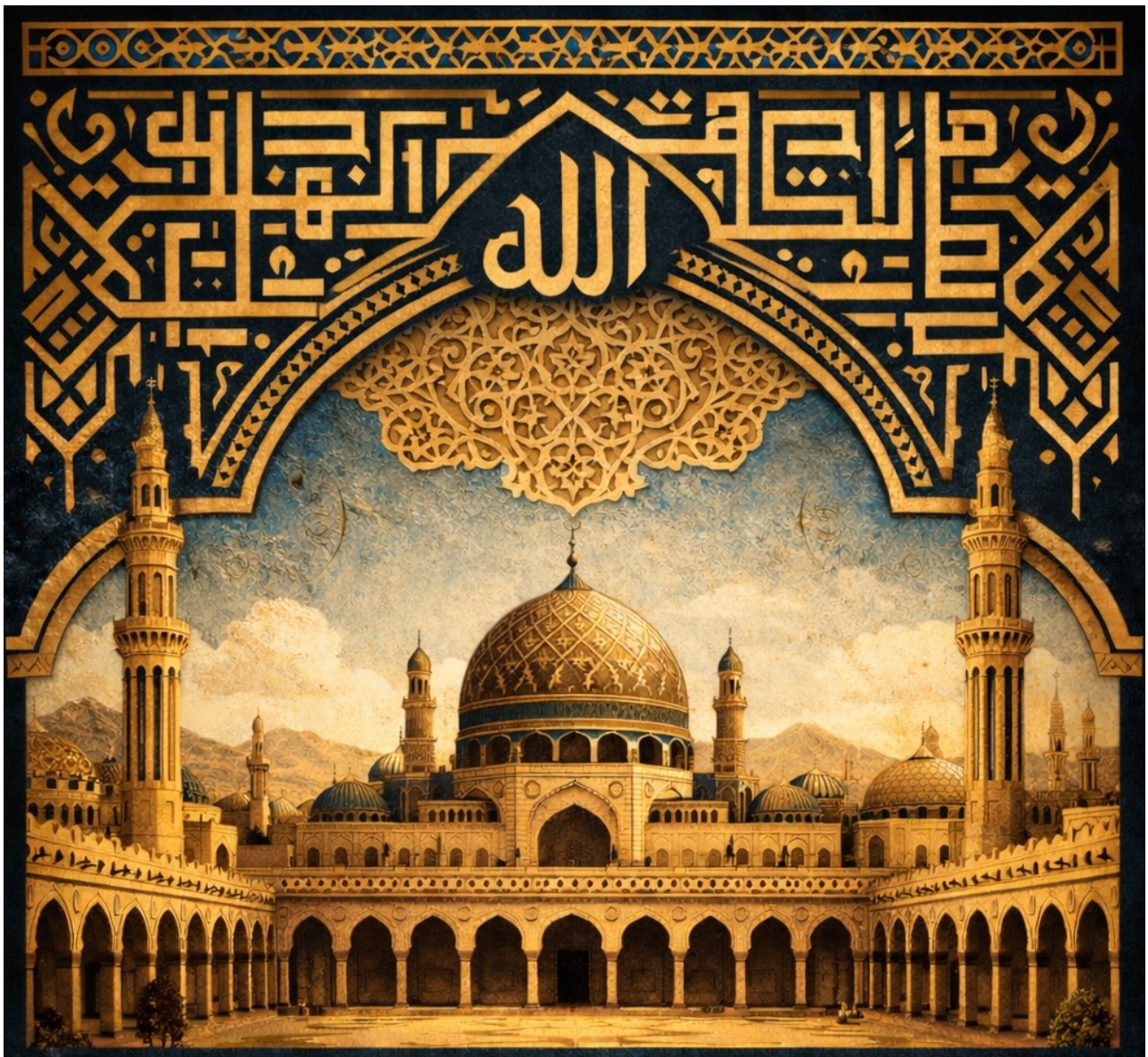

Imam Abu Hanifah

The Master of Qiyas

Dr Yusof Mutahar

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

In the name of Allah, the Most Gracious, the Most Merciful

اللَّهُمَّ صَلِّ عَلَىٰ مُحَمَّدٍ وَعَلَىٰ آلِ مُحَمَّدٍ كَمَا صَلَّيْتَ عَلَىٰ إِبْرَاهِيمَ وَعَلَىٰ آلِ إِبْرَاهِيمَ إِنَّكَ حَمِيدٌ مَّجِيدٌ

اللَّهُمَّ بَارِكْ عَلَىٰ مُحَمَّدٍ وَعَلَىٰ آلِ مُحَمَّدٍ كَمَا بَارَكْتَ عَلَىٰ إِبْرَاهِيمَ وَعَلَىٰ آلِ إِبْرَاهِيمَ إِنَّكَ حَمِيدٌ مَّجِيدٌ

O Allah, bestow Your favour upon Muhammad ﷺ and upon the family of Muhammad ﷺ , as You bestowed Your favour upon Ibrahim and upon the family of Ibrahim. Indeed, You are Praiseworthy, Glorious.

O Allah, bestow Your blessing upon Muhammad ﷺ and upon the family of Muhammad ﷺ , as You bestowed Your blessing upon Ibrahim and upon the family of Ibrahim. Indeed, You are Praiseworthy, Glorious.

"If you learned the sacred knowledge for the sake of this world, then the knowledge will never be rooted in your heart."

Imam Abu Hanifah
(Al-Imam al-A'zam, Faqih al-Millah)

"To the Greatest Imam, Abu Hanifah, whose profound wisdom illuminated the depths of the Quran and preserved the noble path of our beloved Prophet (peace be upon him). May this work serve as a humble tribute to the legacy of the *Imam al-A'zam*."

TABLE OF CONTENTS

AUTHOR'S PREFACE

INTRODUCTION
Law, Certainty, and the Necessity of Method
What Qiyās Is — and What It Is Not
Kūfa and the Demand for Epistemic Caution

PART ONE

Imam Abū Ḥanīfah: Scholar, Jurist, Mujtahid, and Martyr of Principle

His Name, Lineage, and Era

Early Life and Intellectual Awakening

Teachers, Scholarly Lineage, and Formation

Theology Before Law: The Hidden Key to His Jurisprudence

Imam Abū Ḥanīfah and Ḥadīth: Caution Born of Reverence

Juristic Method and the Systematisation of Fiqh

Imām Abū Ḥanīfah: A Jurist of the Tābiʿūn and Heir to the Companions' Method

Moral Authority, Independence, and Refusal of Power

The Piety and Worship of Imām Abū Ḥanīfah

The Prophetic Foretelling and Its Fulfilment

Sūrat al-Jumuʿah and the Ḥadīth of the Pleiades

What the Ḥadīth Is Saying

- If Faith Were Suspended at the Pleiades
- A Man from Among These People
- Would Retrieve It

Why the Scholars Identified Imam Abū Ḥanīfah

What "Faith" Means in This Context

The Deeper Message of the Ḥadīth

Scholarly Testimonies to His Rank

Imam al-Suyūṭī

Imam Ibn ʿAbd al-Barr

Imam al-Shāfiʿī

Imam Mālik

Imam al-Ghazālī

ʿAlī al-Hujwīrī (Data Ganj Bakhsh)

A Convergence That Cannot Be Ignored

Method Beyond His Age

The Foresight of Imam Abū Ḥanīfah

Thinking Beyond the Immediate World

Prayer in Unprecedented Circumstances

Minimal Najāsah and the Reality of the Invisible

Law Built for Human Life, Not Idealised Abstraction

Why This Foresight Mattered—and Still Matters

Closing Reflection

PART TWO

Foundations of Hanafi Jurisprudence

1. **Law as Revelation Interpreted**
2. **The Qur'anic Ethic of Certainty and Knowledge**

The Hanafi Hierarchy of Proof

3. **The Qur'an: Absolute Authority and Foundational Meaning**
4. **The Sunnah: Revelation in Meaning and Hierarchised Transmission**
    - Mutawātir Sunnah
    - Mashhūr Sunnah
    - Āḥād Reports
5. **Ijmāʿ (Consensus): Legal Stability and Communal Continuity**
6. **Qiyās: Disciplined Analogical Reasoning**
7. **Istihsān: Juristic Preference and Moral Intelligence within Law**
8. **ʿUrf: Custom and the Application of Law in Real Life**

Synthesis

9. **Certainty and Probability in Hanafi Legal Theory**
10. **Why the Hanafi Hierarchy Preserves Coherence**

Summary

11. **The Sources of Law in the Hanafi School (Corrected & Explained)**

- Qur'an

- Sunnah
- Ijmāʿ
- Qiyās
- Istihsān
- ʿUrf

PART THREE

Degrees of Certainty in Islamic Law

1. **Qur'an, Mutawātir Sunnah, and Āḥād Reports**

Epistemic Foundations

2. **Knowledge Has Degrees: Certainty and Probability**
3. **The Qur'an: Absolute Certainty (Qaṭʿī al-Thubūt)**
4. **Mutawātir Sunnah: Binding Certainty in Practice**
    - Definition of Mutawātir
    - Legal Status in Hanafi Law

Probability and Its Limits

5. **Āḥād Reports: Authenticity Without Absolute Certainty**
6. **Why Probability Cannot Establish Creed**

The Qur'anic Ethic of Proof

7. **Why Epistemic Weight Matters in Law**
    - Financial Rights

- Criminal Accusations

Companion Practice and Legal Method

8. **The Practice of the Companions: Epistemic Discipline**

Hanafi Legal Maxims and Stability

9. **Certainty Is Not Overturned by Probability**

10. **Ṣaḥīḥ and Mutawātir: Reliability Is Not Certainty**

Historical Consequences

11. **Why This Method Preserved the Ummah**

Conclusion

12. **Method, Not Polemic: Protecting the Sunnah Through Discipline**

Appendix

13. **Epistemology Table: The Hanafi Framework**

PART FOUR

Qiyās – Reason in the Service of Revelation

1. Introduction: Why Law Must Extend Beyond Named Cases
2. What Is Qiyās? Definition and Core Idea
3. Why Qiyās Is Necessary
4. Qur'anic Foundations of Analogical Reasoning
5. Prophetic and Companion Precedent
6. Qiyās Is Not Opinion (Raʾy)
7. The Four Components of Qiyās

8. Conditions of a Valid ʿIllah
9. When Qiyās Is Invalid
10. Qiyās Within the Hierarchy of Evidence
11. Classical Examples of Qiyās in Action
12. When Qiyās Is Preferred Over Āḥād Reports
13. The Consequences of Rejecting Qiyās
14. Qiyās as Mercy, Not Concession
15. Conclusion: Preserving Revelation Through Method

PART FIVE

Istiḥsān – The Conscience of Analogical Law

1. Istiḥsān and the Nature of Sharīʿah
2. Moral Intelligence Within Revealed Law
3. The Historical Need for Istiḥsān in Hanafi Jurisprudence
4. The Regulated Forms of Istiḥsān
    - By Text
    - By Consensus
    - By Necessity
    - By Custom (ʿUrf)
    - By Stronger Analogy
5. Guardrails Preventing Abuse of Istiḥsān
6. Classical Hanafi Applications
7. Istiḥsān in the Modern World
8. ʿUrf: Custom Within Revelation's Boundaries

9. Conclusion: Justice Without Cruelty

The Limits of Ijtihād: Where Juristic Reasoning Ends

PART SIX

Modern Applications of Hanafi Jurisprudence

1. **Introduction: Method in Modernity**
2. **Organ Donation**
    - Organ Donation as a Juristic Question
    - Hanafi Hierarchy of Evidence Applied
    - Qur'anic Anchors: Life, Ease, Necessity
    - Identifying the ʿIllah Behind Bodily Sanctity
    - Qiyās: Medical Analogies and Conditions
    - Istiḥsān: Preventing Disproportionate Hardship
    - Consent as a Non-Negotiable Condition
    - Certainty of Death and Epistemic Restraint
    - Responding to Āḥād-Based Objections
    - Hanafi Summary Ruling
3. **End-of-Life Care**
    - Sanctity of Life Without Medical Absolutism
    - Treatment: When It Becomes Obligatory or Not
    - Qiyās: Medical Futility and Non-Intervention
    - Certainty and Determination of Death
    - Withdrawal vs Euthanasia

- DNR Orders and Proportionality

4. **Modern Finance, Ribā, and Synthetic Instruments**
    - Qur'anic Foundations of Ribā
    - Technical Rules and Substantive Reality
    - Qiyās: Exposing Synthetic Ribā
    - Why Terminology-Based Literalism Fails
    - Istiḥsān: Avoiding Paralysis Without Permitting Ribā
    - Inflation and Severe Devaluation
5. **Artificial Intelligence, Automation, and Moral Agency**
    - Capacity, Intention, and Accountability
    - Qiyās: Tools, Delegation, and Causation
    - Foreseeability, Negligence, and Liability
    - Medical AI and Professional Duty
    - Istiḥsān: Benefit with Guardrails
    - Bias, Surveillance, and Structural Injustice
6. **Conclusion: Continuity Through Method**

PART SEVEN

In Defence of Imām Abū Ḥanīfah and the Hanafi Madhhab

Introduction

- Why Imam Abū Ḥanīfah Remains Misunderstood
- Method vs Polemic

Section One: Answering the Major Criticisms

1. Did Imam Abū Ḥanīfah Know Ḥadīth?

2. Did He Prefer Opinion (Raʾy) Over the Prophet ﷺ?

3. Why Follow Imam Abū Ḥanīfah Instead of the Prophet ﷺ?

4. Did He Go Against Ṣaḥīḥ Ḥadīth?

5. Is Every Ṣaḥīḥ Ḥadīth Automatically Binding?

6. Do Hanafis Reject Āḥād Reports?

7. Why Did Abū Ḥanīfah Rely So Heavily on Qiyās?

8. Didn't Other Imams Do Things Differently?

9. Is This Merely Hanafi Apologetics?

10.Does Hanafi Methodology Weaken the Sunnah?

Section Two: Method, Authority, and the Preservation of the Sunnah

- What Is Being Critiqued — and What Is Not
- The Modern Anti-Madhhab Literalist Trend
- Sincerity vs Method in Islamic Scholarship

Section Three: The Central Methodological Error

- Collapse of Epistemic Hierarchy
- Certainty (Yaqīn) vs Probability (Ẓann)
- Why Consequences Require Stronger Proof

Section Four: Authentication Is Not Juristic Authority

- Ṣaḥīḥ Transmission vs Legal Applicability
- Context, Reconciliation, and Consequence

Section Five: The Illusion of "Direct Access" to the Sunnah

- Why Scholarly Mediation Is Unavoidable
- Hidden Taqlīd and Modern Authority

Section Six: Why Literalism Fails

- The Qur'an's Rejection of Flat Self-Interpretation
- Apparent Contradictions and Juristic Tools
- The Practice of the Companions
- Text vs Purpose (Maqṣad)
- Contextual Sunnah and Legal Stability
- Why Literalism Produces Fragmentation

Conclusion

- Madhhabs as Guardians, Not Rivals
- Why the Hanafi Method Remains Indispensable

PART EIGHT

How Hanafi Fiqh Weighs Evidence, Language, and Law

- **Issue One:** Saying Āmīn Quietly
- **Issue Two:** Reciting al-Fātiḥah Behind the Imām
- **Issue Three:** Delaying ʿAṣr Prayer (Mithlayn)
- **Issue Four:** Rafʿ al-Yadayn (Raising the Hands in Prayer)
- **Issue Five:** Nikāḥ Without a Walī (With Witnesses)
- **Issue Six:** Seafood in Hanafi Fiqh
- **Issue Seven:** Laughing Aloud in Prayer Invalidates Wuḍūʾ
- **Issue Eight:** Touching One's Spouse Does Not Break Wuḍūʾ
- **Issue Nine:** Zakāt on Trade Goods (ʿUrūḍ al-Tijārah)
- **Issue Ten:** Ribā Beyond Currency
- **Issue Eleven:** Witr as Three Rakʿahs (Without Separate Salām)

- **Issue Twelve:** Touching the Private Parts Does Not Break Wuḍūʾ
- **Issue Thirteen:** Combining Prayers Without Travel (Jamʿ)
- **Issue Fourteen:** Qunūt in Fajr vs Qunūt in Witr Only
- **Issue Fifteen:** Tarāwīḥ as Twenty Rakʿahs
- **Issue Sixteen:** Placing the Hands Below the Navel in Ṣalāh

PART NINE

Final Conclusion: Law, Method, and the Trust of Continuity

The Hanafi Method: Law Anchored in Revelation, Reason, and Reality

1. Why Law Requires Method, Not Slogans
2. The Hanafi Legal Architecture
3. Balance at the Heart of the Hanafi Method

Hanafi Jurisprudence in the Modern Age: Why It Endures

1. The Failure of Extremes
2. Why the Hanafi Method Scales with Complexity
3. Continuity Without Fossilisation
4. The Moral Core of Hanafi Law

Final Word: Law, Mercy, and the Trust of Continuity

PART TEN

GLOSSARY OF TECHNICAL TERMS

ENDNOTES

AUTHOR'S PREFACE

In every age, the Muslim community faces a single enduring challenge: how to remain faithful to divine revelation while responding faithfully to the realities of human life. The holy Qur'an speaks through a determinate revealed text, yet the human situations governed by its guidance extend across ever-changing realities. The Sunnah is complete in guidance, yet the world it governs continues to expand in complexity. Between revelation and lived reality stands the science of Islamic law—*fiqh*—tasked with preserving divine intent while guiding human action.

Among the scholars raised by Allah to fulfil this responsibility, none shaped the intellectual foundations of Islamic law more decisively than **Imam Abu Ḥanīfah**. He did not merely transmit rulings; he gave the Sharīʿah a **method**. He did not treat revelation as a collection of isolated texts; he preserved its coherence, hierarchy, and moral purpose. Through disciplined reasoning, principled restraint, and unwavering reverence for the Qur'an and authentic Sunnah, he laid the foundations of a legal tradition that would govern Muslim civilisation for over a millennium.

This book is written as a **Hanafi–Maturidi defence and exposition** of that legacy.

The Hanafi school has often been misrepresented—accused of excessive rationalism, selective use of hadith, or reliance upon opinion (*raʾy*). These accusations are not new; they were raised even in Imam Abu Ḥanīfah's lifetime. Yet history has judged otherwise. The Hanafi madhhab emerged not from laxity, but from **intellectual discipline**; not from disregard for the

Sunnah, but from **fear of misusing it**; not from speculative opinion, but from a rigorous hierarchy of evidence rooted in certainty.

At the heart of this methodology lies **qiyās**—analogical reasoning—not as conjecture, but as a *necessary juristic instrument* for preserving divine guidance in cases where explicit textual rulings do not exist. In the hands of Imam Abu Ḥanīfah, qiyās was not a license to innovate, but a means of **safeguarding the law from incoherence, contradiction, and injustice**.

This work presents Imam Abu Ḥanīfah as he truly was:
a jurist of unmatched precision,
a theologian of sound creed,
a worshipper of deep humility,
and a reviver of the Sharīʿah at a time of doctrinal and legal confusion.

It will examine his life, his intellectual formation, the Hanafi hierarchy of evidence, the epistemological distinction between certainty and probability, the disciplined use of qiyās, and the ethical intelligence of *istiḥsān*. It will then demonstrate why this methodology—far from being obsolete—remains among the most coherent and resilient legal systems ever produced.

INTRODUCTION

Law, Certainty, and the Necessity of Method

Islamic law was never meant to be a collection of disconnected rulings, nor a rigid code frozen in time. It is a living science rooted in revelation, animated by prophetic wisdom, and applied through disciplined human understanding. From the earliest generations, Muslim jurists recognised that legal reasoning required structure and hierarchy: not every proof carries the same weight, not every report yields the same certainty, and not every circumstance can be resolved through literal citation alone.

The Qur'an establishes universal principles—justice, mercy, wisdom, and moral responsibility. The Sunnah explains, applies, and embodies those principles. Yet human life continually presents situations not named explicitly in any text: new commercial practices, emerging harms, novel technologies, and complex social realities. The task of the jurist is not to invent law, but to **extend divine guidance faithfully** into these unaddressed domains.

It is precisely here that **qiyās** becomes indispensable.

What Qiyās Is — and What It Is Not

In the Hanafi tradition, qiyās is the extension of a legal ruling from an original case established by revelation (*aṣl*) to a new case (*farʿ*), due to a shared and legally operative effective cause (*ʿillah*). It is not personal opinion. It is not philosophical speculation. It is not reasoning independent of revelation.

Rather, qiyās is **reason disciplined by revelation**, operating within strict conditions:

- the original ruling must be established by sound evidence,
- the effective cause must be textually grounded or rationally necessary,
- and the extension must preserve the objectives of the Sharīʿah.

Without qiyās, law fragments. With undisciplined qiyās, law collapses. Imam Abu Ḥanīfah's genius lay in placing qiyās within a framework that preserved certainty, coherence, and justice.

Kufa and the Demand for Epistemic Caution

Imam Abu Ḥanīfah emerged in **Kufa**, a city marked by political upheaval, theological controversy, and widespread circulation of unreliable reports. Unlike Madinah, where communal practice offered continuity, Kufa confronted jurists with:

- contradictory narrations,
- partisan fabrications,
- newly converted populations,
- and unprecedented legal disputes.

In such an environment, uncritical acceptance of every narration was not devotion—it was irresponsibility.

Imam Abu Ḥanīfah responded by constructing a jurisprudence grounded in **epistemic hierarchy**. The Qur'an held absolute authority. Mutawātir Sunnah established certainty. Solitary reports (*āḥād*) were honoured but carefully evaluated in law. Where no explicit text applied, qiyās preserved consistency with established principles.

This methodology was not born of skepticism toward the Sunnah, but of **profound reverence for it**. To bind the Ummah with law requires certainty. Probability cannot overturn certainty. Conjecture cannot establish obligation.

The endurance of the Hanafi madhhab—from the Abbasids to the Ottomans, from Central Asia to the Indian Subcontinent—testifies to the success of this method. This book begins by returning to the man who gave it form.

PART ONE

Imam Abu Ḥanīfah: Scholar, Jurist, Mujtahid, and Martyr of Principle

His Name, Lineage, and Era

He was **Nuʿmān ibn Thābit ibn Zūṭā ibn Māh**, known to the Ummah as **Imam Abu Ḥanīfah**, and honoured with titles such as ***al-Imām al-Aʿẓam*** (the Greatest Imam) and *Sirāj al-Aʾimmah* (the Lamp of the Imams). He was born in Kufa around 80 AH (c. 699 CE), during the Umayyad period—an era defined not by tranquillity, but by intellectual and political turbulence.

Kufa was not merely a city; it was a juristic crucible. It had been the seat of the caliphate of ʿAli ibn Abi Ṭalib (رضي الله عنه), a centre of Qur'anic recitation, a hub of legal reasoning, and—tragically—a fertile ground for fabricated narrations and sectarian polemics. This environment demanded a jurist of exceptional discernment.

Imam Abu Ḥanīfah was of Persian origin, a fact of immense significance in light of Prophetic foretelling addressed later in this chapter. His family was known for integrity and lawful earnings, and he was raised in a household where *taqwā* preceded scholarship—an upbringing that would later manifest in his refusal to compromise the law for power.

Early Life and Intellectual Awakening

Imam Abu Hanifah did not begin his public life as a jurist. His early years were spent in commerce, where he worked as a cloth merchant in the markets of Kufa. He became known for scrupulous honesty, fairness in dealings, and refusal to profit from ambiguity or deception. This early immersion in trade was not incidental to his later scholarship; it furnished him with direct exposure to contracts, disputes, obligations, and ethical tensions that abstract theorising alone could never supply.

His transition to scholarship occurred gradually. Classical reports relate that the Kūfan scholar al-Shaʿbī recognised in the young merchant an unusual sharpness of intellect and advised him to devote himself to knowledge. Once Imam Abu Ḥanīfah entered scholarly circles, he did so with total seriousness. He did not dabble. He committed.

Crucially, his first sustained engagement was not with jurisprudence, but with **theology and dialectical reasoning**. Kufa and nearby Basra were centres of intense disputation. Atheists, dualists, Zoroastrians, Khārijites, and emerging sectarian movements debated Muslims openly. Imam Abu Ḥanīfah entered these debates at a young age, mastering argumentation, conceptual precision, and logical consistency.

This period left a permanent imprint on his intellectual temperament. It taught him that:

- belief must rest on certainty, not conjecture,
- arguments must be internally coherent,
- and religious discourse without method becomes a weapon rather than a guide.

Only after this theological formation did he turn decisively toward fiqh—bringing with him a mind already trained to distinguish certainty from probability and principle from exception.

Teachers, Scholarly Lineage, and Formation

Imam Abu Ḥanīfah's principal teacher in jurisprudence was Hammād ibn Abi Sulayman, the leading jurist of Kufa in his time and the inheritor of the legal tradition of Abdullah ibn Mas'ud. Through this chain, Imam Abu Ḥanīfah absorbed a jurisprudence deeply attentive to reasoning, context, and the objectives of revelation.

He studied with Hammād for approximately **eighteen years**, rarely differing with him publicly until after his teacher's death. This extended apprenticeship reveals a defining trait of Imam Abu Ḥanīfah's character: restraint. He did not rush to independent authority. He waited until his intellectual maturity was complete.

Beyond Kufa, Imam Abu Ḥanīfah travelled widely. He studied in Makkah and Madinah, encountered scholars of hadith and law, and met Companions such as Anas ibn Mālik (رضي الله عنه). He learned from figures including ʿAṭāʾ ibn Abi Rabāh, Nāfiʿ the client of Ibn ʿUmar, and Jaʿfar al-Ṣādiq (رضي الله عنه). This exposure to diverse scholarly environments protected him from parochialism. His jurisprudence would never be regional or narrow; it would be **universal in scope**.

Theology Before Law: The Hidden Key to His Jurisprudence

One of the most frequently overlooked facts about Imam Abu Ḥanīfah is that **his mastery of theology preceded his mastery of law**. This ordering was not accidental. It shaped his entire legal methodology.

Through theological debate, he learned that:

- texts without method can be selectively deployed to justify falsehood,
- reason without discipline leads to deviation,
- and certainty cannot be built upon probabilistic foundations.

These insights would later govern his approach to legal evidence. Imam Abu Ḥanīfah did not reject reason; he disciplined it. He did not absolutise transmitted reports; he protected them from misuse. For him, fiqh was inseparable from sound creed (*ʿaqīdah*). Law that undermines certainty in belief ultimately destabilises the religion itself.

This theological grounding explains his insistence on distinguishing:

- matters that obligate belief from those that guide practice,
- definitive proofs from probabilistic ones,
- and universal principles from context-bound applications.

Imam Abu Ḥanīfah and Hadith: Caution Born of Reverence

Few accusations have persisted as stubbornly—and as unjustly—as the claim that Imam Abu Ḥanīfah was "weak in hadith." This assertion collapses upon historical examination.

Imam Abu Ḥanīfah lived **before** the compilation of canonical hadith collections. He lived in a city notorious for fabricated reports and partisan transmission. In such an environment, uncritical acceptance was not piety; it was negligence. Imam Abu Ḥanīfah possessed extensive knowledge of hadith, but he refused to bind the Ummah with legal obligations based on reports that lacked sufficient certainty or contradicted stronger evidence.

Rejecting the *legal application* of a solitary report because it conflicts with the Qur'an, established Sunnah, or universal legal principles is not rejection of the Sunnah. It is **defence of the Sunnah**.

Later scholars, living in more stable hadith environments, sometimes misunderstood this caution. History, however, vindicated Imam Abu Ḥanīfah. His method preserved coherence where indiscriminate literalism would have produced contradiction.

Scholarly reports differ regarding the precise number of hadiths known, evaluated, or retained by **Imam Abū Ḥanīfah**, reflecting differences in how early scholars distinguished between memorisation, transmission, and juristic use. The biographical literature consistently indicates that he possessed access to a large body of prophetic reports, while exercising exceptional restraint in what he publicly narrated or employed as legal proof.

Early sources preserve two particularly significant accounts:

- **The 70,000 Reports Account**: **Muḥammad ibn Samāʿah** reported that Abū Ḥanīfah stated he was familiar with over 70,000 hadiths, from which he deliberately selected a much smaller corpus for juristic reliance and teaching, including material later preserved in *al-Āthār*. This report highlights not indiscriminate narration, but evaluative selection governed by methodological caution.
- **Accounts of Extensive Hadith Holdings**: **Yahyā ibn Naṣr** recalled visiting Abū Ḥanīfah's residence and finding it filled with written hadith material. When asked about this, the Imam reportedly explained that he intentionally narrated only a portion of what he possessed, transmitting to the public only what he judged necessary, reliable, and appropriate for legal guidance.

Later biographical works occasionally cite much higher figures—sometimes in the hundreds of thousands—but such numbers function as **conventional indicators of scholarly breadth** in early Islamic literature rather than precise inventories. Classical scholars themselves understood that authority was not measured by volume of narration, but by verification, hierarchy of evidence, and juristic discernment.

Taken together, these reports establish not exaggeration, but **methodological restraint**: Abū Ḥanīfah possessed extensive hadith knowledge, yet confined public transmission to what served legal clarity and protected the Sunnah from misuse.

Juristic Method and the Systematisation of Fiqh

Imam Abu Ḥanīfah's greatest contribution was not a collection of rulings, but the **systematisation of jurisprudence itself**. He did not issue fatwas in isolation. He convened juristic councils, posed hypothetical cases, tested principles across scenarios, and revised conclusions through collective scrutiny.

Law, in his hands, became a structured science rather than a catalogue of answers.

His students—most notably Abu Yūsuf and Muḥammad ibn al-Ḥasan al-Shaybānī—recorded, refined, and expanded this methodology. Through them, the Hanafi school became the most internally coherent legal tradition in Islam, capable of governing diverse societies without fracturing.

Every Sunni madhhab that followed benefited from this achievement:

- Imam Malik preserved the practice of Madinah,
- Imam al-Shafiʿi formalised legal theory,
- Imam Ahmad preserved hadith transmission.

But Imam **Abu Ḥanīfah built the legal architecture itself**.

Imām Abū Ḥanīfah: A Jurist of the Tābiʿūn and Heir to the Companions' Method

Classical biographical scholarship affirms that **Imam Abu Hanifa** belonged to the generation of the **tābiʿūn** and lived at a unique hinge-point in Islamic history—when direct companionship of the Ṣaḥābah was giving way to the systematic preservation of law. Unlike later jurists who relied entirely on transmitted corpora, Abū Ḥanīfah **personally encountered members of the Prophet's generation**, witnessing firsthand their demeanour, legal caution, and reverence for the Sunnah. This direct exposure profoundly shaped his methodology: restrained in narration, rigorous in verification, and deeply

conscious of the moral weight of attributing words to the Messenger of Allah ﷺ.

The most firmly established Companion with whom Abū Ḥanīfah interacted is **Anas ibn Malik** (رضي الله عنه), the renowned servant of the Prophet ﷺ and one of the longest-living Ṣaḥābah. Multiple early authorities report that Abū Ḥanīfah saw him, heard from him, and transmitted from him—an honour that alone suffices to establish his status among the tābiʿūn. In addition, credible reports indicate his encounter with **Abd Allah ibn Abi Awfa** (رضي الله عنه), another late Companion known for his legal sobriety and precision. Biographical sources further mention possible encounters with **Sahl ibn Sa'd al-Sa'idi** (رضي الله عنه) and **Abu al-Tufayl Amir ibn Wathilah** (رضي الله عنه), the final Companion to pass away.

What distinguishes Imām Abū Ḥanīfah is not the mere number of Companions he met, but **how deeply their legacy informed his juristic conscience**. Having observed the Ṣaḥābah's restraint in legal pronouncement and their fear of misrepresenting the Sunnah, he inherited from them a principle that would define the Hanafi school: **certainty before obligation, verification before narration, and justice before formalism**. His methodology was not a departure from the Companions' way—it was its disciplined continuation.

Moral Authority, Independence, and Refusal of Power

Imam Abu Ḥanīfah's legal authority cannot be separated from his moral independence. He insisted on economic self-sufficiency, supporting students from his own wealth and refusing patronage that might compromise integrity.

When offered judicial office by the Abbasid caliph Al-Mansur, Abu Ḥanīfah refused—not out of disdain for governance, but out of fear that political authority would corrupt religious judgment. Law, for him, could not serve power; power must submit to law.

For this refusal, he was imprisoned, beaten, and pressured relentlessly. Yet he did not relent.

He died in 150 AH, according to many reports as a result of harsh treatment during imprisonment. His funeral drew tens of thousands, and the prayer had to be repeated multiple times due to the crowds. This was not the death of a theoretician. It was the death of a jurist who paid for legal independence with his life.

The Piety and Worship of Imām Abū Ḥanīfah

The juristic brilliance of Imām Abū Ḥanīfah was inseparable from a life of profound devotion. Classical biographical sources consistently emphasise that his legal precision was anchored in extraordinary personal piety, sustained worship, and deep humility before Allah. He was not a scholar whose intellect outpaced his devotion; rather, his reasoning was disciplined by constant remembrance, prayer, and fear of accountability.

It is reported by multiple early historians that Imām Abū Ḥanīfah spent **decades in sustained night worship**, frequently praying from ʿIshāʾ until Fajr with a single wuḍūʾ. Reports describing **forty years of continuous night prayer** are recorded not as isolated marvels, but as descriptions of a stable devotional pattern recognised by his contemporaries. Such reports were never presented as legal prescriptions for others, but as testimony to the Imam's personal spiritual discipline and sincerity.

Accounts also describe his intense emotional engagement in prayer. He was known to **weep during tahajjud**, particularly when reciting verses concerning accountability, punishment, or divine justice. His recitation was not hurried display, but contemplative worship. Those who observed him remarked that his fear of Allah was visible, and that his nights were marked by humility rather than ostentation.

Among the well-known reports preserved by biographers is that Imām Abū Ḥanīfah would at times **complete the entire Qur'an in a single rakʿah of**

night prayer, and that he regularly completed the Qur'an many times outside of prayer. Such reports were cited by early scholars not to set normative expectations, but to illustrate the depth of his attachment to the Qur'an. For him, the Qur'an was not merely a source of law—it was a living companion, shaping his heart as much as his jurisprudence.

Equally striking was his discretion. Despite his devotional intensity, Imām Abū Ḥanīfah avoided publicising his worship. Many of these details became known only after his death through students and close associates. He feared that visible piety could corrupt intention, and he consistently warned against confusing outward asceticism with sincerity. His humility was such that he considered his worship insufficient, despite what others regarded as exceptional.

This spiritual foundation explains much about his legal method. His caution in issuing fatwā, his reluctance to bind the Ummah with probabilistic evidence, and his insistence on certainty in matters of obligation all flowed from a heart acutely aware of standing before Allah. His fiqh was not academic detachment—it was worship translated into law.

For this reason, early scholars repeatedly emphasised that Imām Abū Ḥanīfah was **a jurist by knowledge and a servant by devotion**. His legacy cannot be understood by studying his legal reasoning alone. It must also be read in the light of his nights spent standing before Allah, his tears shed in private, and his lifelong fear of misguiding others through careless judgment.

The Prophetic Foretelling: Sūrat al-Jumuʿah and the Hadith of the Pleiades

Among the most profound confirmations of Imam Abu Ḥanīfah's historical role is a Prophetic indication rooted directly in the Qur'an and explained by the Messenger of Allah ﷺ himself.

Allah تعالى says:

هُوَ ٱلَّذِى بَعَثَ فِى ٱلْأُمِّيِّـۧنَ رَسُولًا مِّنْهُمْ يَتْلُواْ عَلَيْهِمْ ءَايَـٰتِهِۦ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ ٱلْكِتَـٰبَ وَٱلْحِكْمَةَ وَإِن كَانُواْ مِن قَبْلُ لَفِى ضَلَـٰلٍ مُّبِينٍ
وَءَاخَرِينَ مِنْهُمْ لَمَّا يَلْحَقُواْ بِهِمْ ۚ وَهُوَ ٱلْعَزِيزُ ٱلْحَكِيمُ

"He is the One who sent among the unlettered a Messenger from among themselves, reciting to them His verses, purifying them, and teaching them the Book and wisdom, though before that they were in clear error — **and [He sent him] to others among them who have not yet joined them.** And He is the Mighty, the Wise."

(Sūrat al-Jumuʿah 62:2–3)

When these verses were revealed, the Companions asked the Messenger of Allah ﷺ who the "others" (*ākhirīn*) would be. The Prophet ﷺ placed his hand upon **Salman al-Farsi** and said:

> **"If faith were suspended at the Pleiades, a man from among these people would retrieve it."**

Ṣaḥīḥ al-Bukhārī Ḥadīth no. 4897/ Ṣaḥīḥ Muslim Ḥadīth no. **2546**

Jāmiʿ al-Tirmidhī/ Ḥadīth no. **3311/ Musnad Aḥmad ibn Ḥanbal**

This hadith is rigorously transmitted and universally accepted in meaning. The question that occupied later scholars was not *whether* it would be fulfilled, but **by whom**.

What the Ḥadīth *Is* Saying

1. "If faith were suspended at the Pleiades"

The **Pleiades (al-Thurayyā)** were, in Arab cosmology:

- among the **most distant visible stars**,
- a symbol of **extreme remoteness**, inaccessibility, and loss.

This phrase is **metaphorical**, not astronomical.

It means:

> *Even if authentic religious knowledge, sound faith, and correct understanding were to become extremely distant, rare, or inaccessible among people…*

In other words:

- knowledge is obscured,
- confusion dominates,
- truth is buried beneath speculation, innovation, or corruption.

This aligns with many other prophetic reports about:

- loss of knowledge,
- spread of ignorance,
- people speaking without qualification.

2. "A man from among these people"

This is the **decisive clause**.

The Prophet ﷺ:

- did **not** say "a group",
- did **not** say "scholars" in general,
- but **a man** (rajul).

Classical scholars emphasised this:

- it indicates **an individual of extraordinary stature**,
- not merely a collective trend.

And "**these people**" refers specifically to:

- **the Persians (al-ʿAjam)**,
- clarified by the physical gesture toward **Salmān al-Fārsī**.

This is why the ḥadīth is consistently classified as:

> **A prophetic foretelling of a non-Arab mujtahid who would revive the religion through knowledge.**

3. "Would retrieve it"

The verb used implies:

- effort,
- ascent,
- recovery,
- restoration.

Meaning:

- he does not invent a new religion,
- he does not replace revelation,
- he **restores what was lost or obscured**.

This is the **very definition of tajdīd (renewal)**:

> Reviving correct understanding, not altering Islam.

Why the Scholars Identified Imam Abu Ḥanīfah

Across centuries, major scholars explicitly identified the referent of this ḥadīth as:

> **Imam Abu Hanifah**

Why?

Because he uniquely fulfilled **all components** of the prophecy:

1. **Persian origin** (from the region of Kūfa with Persian lineage)
2. Emerged during a time of:
    - fabricated narrations,
    - political pressure,
    - epistemic chaos
3. Restored **systematic jurisprudence**
4. Preserved faith through:
    - epistemic hierarchy,
    - disciplined qiyās,
    - protection of certainty
5. His school became:
    - the most widespread legal tradition in Islam,
    - governing faith and law for centuries across continents

Many scholars explicitly said:

- *"This ḥadīth applies most clearly to Imam Abu Ḥanīfah."*

Not because of sentiment, but because **no other figure fits the description so completely**.

What "Faith" Means Here

Importantly, **īmān here does not mean mere belief**.

In Qur'anic and prophetic usage, īmān includes:

- correct belief,

- correct understanding,
- correct application.

In other words:

Faith here means the religion as a coherent, livable system.

And what was in danger of being "lost" was:

- *method*,
- *certainty*,
- *coherence*.

That is exactly what Imam Abu Ḥanīfah restored.

The Deeper Message of the Ḥadīth

This ḥadīth teaches several profound principles:

1. **Islam is preserved through knowledge, not ethnicity**
2. **Revival comes through method, not slogans**
3. **Allah raises individuals when confusion spreads**
4. **Distance from revelation is intellectual, not geographical**
5. **Renewal is recovery, not reinvention**

In Summary

The ḥadīth foretells that even if authentic religious knowledge and correct faith were to become extremely distant and obscured, Allah would raise a Persian mujtaḥid who would restore it to the Ummah through disciplined knowledge and method—most clearly fulfilled in Imam Abu Ḥanīfah.

Scholarly Identification of Imam Abu Ḥanīfah.

Imam al-Suyūṭī

Jalal al-Din al-Suyuti stated unequivocally that **the strongest and most fitting candidate** for the fulfilment of the Pleiades hadith was **Imam Abu Ḥanīfah**. He observed that no other Persian scholar so perfectly matched the hadith's implications of *retrieval* — the restoration of religion at a time when:

- fabricated hadith had proliferated,
- theological sects had destabilised belief,
- and legal reasoning lacked systematic discipline.

For al-Suyūṭī, this was not poetic praise. It was historical diagnosis.

Imam Ibn ʿAbd al-Barr

Ibn Abd al-Barr clarified that the hadith was **not about ethnicity alone**, but about **religious function**. The man foretold would be one who restored coherence to Islam when its transmission and understanding were endangered.

By this criterion, he noted, **Imam Abu Ḥanīfah stood without equal** among the non-Arab scholars of the early centuries.

Imam al-Shāfiʿī

The testimony of Imam al-Shafi'i carries exceptional weight, given later polemics. His assessment was unambiguous:

> "**People are dependent upon Imam Abu Ḥanīfah in fiqh.**"

And he also said:

> "Whoever seeks mastery in jurisprudence is dependent upon Imam Abu Ḥanīfah and his companions."

This is an acknowledgement that **systematic fiqh itself** — the very structure by which law is reasoned — was stabilised by Imam Abu Ḥanīfah. Such a contribution is precisely what the Pleiades hadith foretells.

Imam Mālik

Imam Malik, despite methodological differences, recognised Imam Abu Ḥanīfah's extraordinary intellectual power. After engaging with him, he reportedly said:

> "By Allah, I have seen a man who, if he were to argue that this pillar was made of gold, he would be able to prove it."

This was not praise of sophistry. It was recognition of **methodological mastery** — the ability to reason with consistency, coherence, and control.

Imam al-Ghazālī

Imam al-Ghazali described Imam Abu Ḥanīfah as **one of the pillars of the religion**, emphasising that his legacy extended beyond legal rulings to:

- safeguarding correct belief,
- disciplining reason,
- and protecting the Sharīʿah from misuse.

This retrospective judgement, made after centuries of legal development, confirms that Imam Abu Ḥanīfah's methodology *endured because it was sound*.

Hazrat Ali al-Hujwīrī (Data Ganj Bakhsh)

From the spiritual tradition, Ali al-Hujwiri spoke of Imam Abu Ḥanīfah not merely as a jurist, but as a **saintly figure** whose outward law was inseparable from inward piety. He highlighted:

- his asceticism,

- fear of Allah,
- refusal of political office,
- and endurance of imprisonment rather than compromise.

This convergence between law and spirituality further confirms that Imam Abu Ḥanīfah *retrieved faith as a lived system*, not as abstraction.

A Convergence That Cannot Be Ignored

What is most striking is that recognition of **Imam Abu Ḥanīfah's unique rank** comes from:

- jurists of other madhhabs,
- hadith scholars,
- theologians,
- and spiritual masters.

Such convergence is rare in Islamic intellectual history.

Whether one states explicitly that **Imam Abu Ḥanīfah was the man foretold in the hadith of the Pleiades**, or acknowledges that **no one fulfils its description more completely**, the conclusion remains the same:

Imam Abu Ḥanīfah was a divinely facilitated reviver of Islam, whose intellect, method, and moral courage restored coherence to the religion at a moment of profound danger.

This is not exaggeration. It is classical **scholarly judgement**.

The Foresight of Imam Abu Hanifah

The greatness of a jurist is not measured only by how accurately he answers the questions of his own age, but by whether his method remains intelligible,

just, and functional when circumstances radically change. By this measure, few figures in Islamic legal history demonstrate foresight equal to that of Imām Abū Ḥanīfah.

Living in the second Islamic century—long before modern science, globalisation, or technological transformation—Imam Abū Ḥanīfah nevertheless constructed a legal methodology capable of governing realities he could never have witnessed. This was not accidental. It was the product of an unusually penetrating intellect, a deep awareness of human variability, and a juristic imagination disciplined by revelation.

1. Thinking Beyond the Immediate World

Imam Abū Ḥanīfah consistently asked questions that extended beyond the conditions of his own society. He was criticised by some contemporaries for entertaining *hypothetical cases*—questions that had not yet occurred. Yet these were not idle exercises. They were juristic stress-tests: attempts to determine whether legal principles were genuinely universal or merely reactive.

This habit reveals foresight rather than abstraction. A law intended to endure until the end of time must be capable of addressing situations not yet realised. By probing the outer limits of legal application, Abū Ḥanīfah ensured that Sharīʿah would not fracture when those limits were eventually reached.

2. Prayer in Unprecedented Circumstances: The Question of "Praying in the Air"

Among the striking examples cited by later scholars is Imam Abū Ḥanīfah's engagement with scenarios such as **prayer performed in mid-air**—a concept unimaginable in his time. While framed hypothetically, the underlying legal reasoning was concrete: what are the *essential elements* of prayer, and which conditions are contingent upon ordinary earthly circumstances?

This type of reasoning distinguishes between:

- The **essence of worship** (intention, recitation, orientation, purity)
- And its **normal physical context** (standing on the ground, conventional spatial orientation)

Modern developments—air travel, space stations, zero-gravity environments—have rendered such questions real rather than theoretical. The Hanafi method, by identifying principles rather than freezing practice in a specific historical context, proved capable of addressing them without rupture.

This is foresight at the level of *method*, not prediction.

3. The Reality of the Invisible

Another example of Imam Abū Ḥanīfah's juristic depth lies in his rulings concerning **minimal, excusable amounts of impurity (najāsah)**. He recognised that absolute physical purity, in the literal sense, is unattainable in lived human existence. Dust, microscopic residue, and unavoidable contamination accompany all embodied life.

While lacking any concept of bacteria, microbes, or airborne particles, Imam Abū Ḥanīfah nevertheless ruled that:

- Negligible, unavoidable impurity does not invalidate worship
- Legal responsibility must remain *humanly possible*
- Sharīʿah does not impose obligations that collapse under scrutiny

This approach aligns seamlessly with modern scientific understanding: the environment is saturated with microscopic life. A legal system that demanded absolute material purity would render worship impossible.

Imam Abū Ḥanīfah's ruling was not scientific anticipation—it was juristic realism grounded in divine mercy.

4. Law Built for Human Life, Not Idealised Abstraction

These examples illustrate a broader pattern. Imam Abū Ḥanīfah consistently refused to build law upon idealised assumptions about human existence. Instead, he constructed a jurisprudence that:

- Recognised human limitation
- Anticipated complexity
- Distinguished essentials from contingencies
- Preserved moral responsibility without collapse into hardship

This is why **istihsān**, **qiyās**, and calibrated tolerance for excusable conditions feature so prominently in the Hanafi school. They are not concessions; they are mechanisms of durability.

5. Why This Foresight Mattered—and Still Matters

The enduring relevance of Hanafi law across vastly different societies—from early Kūfa to Central Asia, the Ottoman world, the Indian subcontinent, and now modern pluralistic states—cannot be explained by textual fidelity alone. It rests upon a method that anticipated change as a permanent feature of human life.

Imam Abū Ḥanīfah did not merely ask, *"What is the ruling now?"*
He asked, *"What kind of law will still be just when the world changes?"*

That question defines foresight.

Closing Reflection

The foresight of Imām Abū Ḥanīfah was not the foresight of a futurist, but of a jurist who understood the permanence of change. By grounding law in

principles rather than accidents of time and place, he ensured that Sharīʿah would remain:

- Intelligible without distortion
- Flexible without collapse
- Merciful without relativism

In an age where legal systems struggle to adapt to rapid technological and ethical transformation, the Hanafi method stands as a reminder that true durability lies not in rigidity, but in principled reasoning under submission to revelation.

This foresight was not incidental to Imam Abū Ḥanīfah's legacy. It *was* his legacy.

PART TWO

FOUNDATIONS OF HANAFI JURISPRUDENCE

Law as Revelation Interpreted

The Hanafi school approaches Islamic law as **revelation applied through disciplined understanding**. Revelation is one in origin, yet it reaches the Ummah through modes of transmission that differ in strength. A sound legal system must reflect that reality. For this reason, Hanafi jurisprudence is built upon a hierarchy of proofs grounded in **epistemic certainty**: what is certain is treated as certain, what is probabilistic is honoured as probabilistic, and neither is confused for the other. This is not "dry theory"; it is Qur'anic discipline. Allah forbids building religion on what one does not truly know:

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِۦ عِلْمٌ ۚ إِنَّ ٱلسَّمْعَ وَٱلْبَصَرَ وَٱلْفُؤَادَ كُلُّ أُوْلَٰٓئِكَ كَانَ عَنْهُ مَسْـُٔولًا

"Do not pursue what you have no knowledge of. Indeed, the hearing, the sight and the heart—about all those one will be questioned."
(Al-Isrāʾ 17:36)

Allah also demolishes the idea that conjecture can replace truth:

إِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

"Indeed, assumption (ẓann) does not avail against the truth at all."
(Yūnus 10:36)

وَمَا لَهُم بِهِۦ مِنْ عِلْمٍ ۖ إِن يَتَّبِعُونَ إِلَّا ٱلظَّنَّ ۖ وَإِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

"They have no real knowledge about this. They are only following guesswork, and guesswork is no substitute at all for the truth.

(An-Najm 53:28)

The Hanafi hierarchy is therefore not a "preference" for one source over another; it is the implementation of a Qur'anic ethic: **certainty is not overthrown by doubt, and truth is not replaced by guesswork**.

The Hanafi Hierarchy of Proof

The foundations of Hanafi jurisprudence are ranked by certainty, authority, and legal function. First is the Holy Qur'an: absolute in transmission, supreme in authority, and foundational in meaning.

Allah commands that disputes return to revelation:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ أَطِيعُواْ ٱللَّهَ وَأَطِيعُواْ ٱلرَّسُولَ وَأُوْلِى ٱلْأَمْرِ مِنكُمْۖ فَإِن تَنَـٰزَعْتُمْ فِى شَىْءٍ فَرُدُّوهُ إِلَى ٱللَّهِ وَٱلرَّسُولِ

"O you who believe! Obey Allah and obey the Messenger and those in authority among you. If you dispute over anything, refer it to Allah and the Messenger…"
(An-Nisāʾ 4:59)

Second is the **mutawātir Sunnah**: the Prophetic guidance transmitted in a way that yields certainty by mass corroboration. The Qur'an establishes the binding legal authority of the Messenger ﷺ:

مَّن يُطِعِ ٱلرَّسُولَ فَقَدْ أَطَاعَ ٱللَّهَ

“Whoever obeys the Messenger has obeyed Allah.”
(An-Nisāʾ 4:80)

وَمَآ ءَاتَىٰكُمُ ٱلرَّسُولُ فَخُذُوهُ وَمَا نَهَىٰكُمْ عَنْهُ فَٱنتَهُواْ

“Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it.”
(Al-Ḥashr 59:7)

Third are āḥād reports: authentic narrations that do not reach tawātur. They may be ṣaḥīḥ and reliable, but epistemically they yield strong probability rather than certainty; the Hanafi school uses them extensively in law with conditions, while refusing to elevate probability to certainty in creed and universals, because Allah explicitly forbids speaking without knowledge (17:36) and condemns replacing truth with conjecture (10:36; 53:28).

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِۦ عِلْمٌ ۚ إِنَّ ٱلسَّمْعَ وَٱلْبَصَرَ وَٱلْفُؤَادَ كُلُّ أُوْلَٰٓئِكَ كَانَ عَنْهُ مَسْـُٔولًا

"And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart—of each of these will be questioned.”

(Quran 17:36)

وَمَا يَتَّبِعُ أَكْثَرُهُمْ إِلَّا ظَنًّا ۚ إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا ۚ إِنَّ اللَّهَ عَلِيمٌ بِمَا يَفْعَلُونَ

"And most of them follow not except assumption. Indeed, assumption avails not against the truth at all. Indeed, Allah is Knowing of what they do."

(Quran 10:36)

وَمَا لَهُم بِهِۦ مِنْ عِلْمٍۖ إِن يَتَّبِعُونَ إِلَّا ٱلظَّنَّۖ وَإِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

"And they have thereof no knowledge. They follow not except assumption, and indeed, assumption avails not against the truth at all."

(Quran 53:28)

Fourth is ijmāʿ (consensus): the stabilising agreement of qualified jurists that preserves continuity and prevents the religion from fragmenting into private legal universes; the Qur'an warns against splitting after clear proofs:

وَلَا تَكُونُواْ كَٱلَّذِينَ تَفَرَّقُواْ وَٱخْتَلَفُواْ مِنۢ بَعْدِ مَا جَآءَهُمُ ٱلْبَيِّنَٰتُ

"Do not be like those who became divided and differed after clear proofs had come to them."
(Āl ʿImrān 3:105)

Fifth is **qiyās**: disciplined analogical reasoning that extends revelation's rulings to new cases by identifying the operative cause (ʿillah), thereby preserving divine intent where explicit texts are silent.

The Qur'an repeatedly commands reflection and insight, which is the intellectual soil in which qiyās operates under submission:

أَفَلَا يَتَدَبَّرُونَ ٱلْقُرْءَانَ

"Do they not reflect upon the Qur'an?"
(Muḥammad 47:24)

فَٱعْتَبِرُوا۟ يَـٰٓأُو۟لِى ٱلْأَبْصَـٰرِ

"So take admonition, O people of insight."
(Al-Ḥashr 59:2)

Sixth is **istiḥsān**: juristic preference as moral intelligence within law—preferring stronger evidence, necessity, or a higher principle over strict analogy when strict analogy produces hardship or distortion. The Qur'an anchors this directly in the nature of Sharīʿah:

يُرِيدُ ٱللَّهُ بِكُمُ ٱلْيُسْرَ وَلَا يُرِيدُ بِكُمُ ٱلْعُسْرَ

"Allah intends for you ease and does not intend for you hardship."
(Al-Baqarah 2:185)

وَمَا جَعَلَ عَلَيْكُمْ فِى ٱلدِّينِ مِنْ حَرَجٍ

"He has not placed upon you in the religion any hardship."
(Al-Ḥajj 22:78)

مَا يُرِيدُ ٱللَّهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ وَلَـٰكِن يُرِيدُ لِيُطَهِّرَكُمْ

“Allah does not intend to make difficulty for you, but intends to purify you…”
(Al-Māʾidah 5:6)

Seventh is ʿ**urf:** recognised custom within Sharīʿah boundaries, essential for applying law in real human life; the Qur’an explicitly commands taking what is customary and recognised as good:

خُذِ ٱلۡعَفۡوَ وَأۡمُرۡ بِٱلۡعُرۡفِ وَأَعۡرِضۡ عَنِ ٱلۡجَٰهِلِينَ

“Take what is given freely, enjoin what is customary (al-ʿurf), and turn away from the ignorant.”
(Al-Aʿrāf 7:199)

This hierarchy reflects the central Hanafi principle: **certainty is not overturned by probability**. It is the opposite of chaos. It is how revealed law remains coherent, governable, and just across centuries.

Summary; The Sources of Law in the Hanafi School (Corrected & Explained)

1. Qur’an

- The **primary and supreme source**
- **Qaṭʿī al-thubūt** (certain in transmission)
- Establishes:
    - Creed
    - Farḍ and ḥarām
    - Universal legal principles
- No other proof can override it

2. Sunnah

- Revelation in meaning
- Hierarchised by **mode of transmission**:
    - **Mutawātir Sunnah** → certainty, binding
    - **Mashhūr Sunnah** → near-certainty (important Hanafi category)
    - **Āḥād reports** → probabilistic, used with conditions
- Sunnah **explains, specifies, and details** the Qur'an

This internal grading of Sunnah is a *distinctive Hanafi feature.*

3. Ijmāʿ (Consensus)

- Especially:
    - **Ijmāʿ of the Companions**
    - Early, public, undisputed consensus
- Yields **certainty**
- Cannot contradict Qur'an or mutawātir Sunnah
- Later ijmāʿ is treated with more methodological caution

4. Qiyās (Analogical Reasoning)

- Core rational tool of Hanafi law
- Used when:
    - No explicit text exists
    - Or to apply texts consistently across cases
- Always:

- Anchored in Qur'an and Sunnah
- Subordinate to certainty

- Preserves **coherence, justice, and universality**

5. Istihsān (Juristic Preference)

- **Distinctively Hanafi**
- Not "personal opinion"
- A **controlled departure from strict qiyās** when:
  - Qiyās causes hardship
  - Contradicts stronger evidence
  - Violates established principles
- Based on:
  - Text
  - Consensus
  - Necessity
  - Stronger analogy
- Imam Abū Ḥanīfah called it:

  "Leaving one analogy for a stronger one"

6. ʿUrf (Custom)

- Recognised as a **subsidiary source**
- Valid when:
  - Widespread and stable
  - Does not contradict text

- Especially important in:
    - Transactions
    - Contracts
    - Social dealings
- Reflects the Hanafi concern for **lived legal reality**

Part Three

Degrees of Certainty in Islamic Law

Qur'ān, Mutawātir Sunnah, and Āḥād Reports

Islamic law is not built upon impulse, conjecture, or unexamined transmission. It is constructed upon knowledge—yet not all knowledge is equal in certainty. One of the most profound and often misunderstood contributions of **Imam Abu Hanifa** was his insistence that *legal authority must correspond to epistemic strength*. A ruling that binds belief, governs public life, or establishes irreversible obligations cannot rest upon the same level of certainty as a recommended devotional act.

This distinction is neither innovation nor speculation. It is rooted in the Qur'ān, reflected in the practice of the Companions, and demanded by the rational structure of law itself.

1. Knowledge Has Degrees: Certainty and Probability

Revelation is one in origin, but diverse in transmission. Both the Qur'ān and the Sunnah are revelation from Allah, yet the manner in which revelation reaches us differs—and Islamic scholarship has always recognised that this difference matters.

Transmission yields two epistemic categories:

- **Certainty (yaqīn):** knowledge that admits no doubt
- **Probability (ẓann):** knowledge that is sound and authoritative, but not absolute

Law that defines belief (ʿaqīdah), establishes foundational obligations, or governs public order must be grounded in certainty. Law that guides individual conduct may operate on probability. To erase this distinction is to collapse the very logic of responsibility.

The Qurʾān itself warns against building religion on conjecture:

> *"They follow nothing but assumption—and assumption does not avail against the truth at all."*
> (al-Najm 53:28)

This Qurʾānic principle underlies the Hanafi hierarchy of proofs.

2. The Qurʾān: Absolute Certainty (Qaṭʿī al-Thubūt)

The Qurʾān occupies a unique and unassailable position in Islamic law:

- It is **mutawātir in transmission**
- Preserved collectively by the entire Ummah
- Known with certainty in wording and meaning
- Supreme in legal authority

From the Qurʾān derive:

- Farḍ obligations
- Ḥarām prohibitions
- Universal legal principles
- Foundations of belief

No report, opinion, or analogy can override it. For Imam Abū Ḥanīfah, this was not merely theology—it was a legal axiom.

3. Mutawātir Sunnah: Binding Certainty in Practice

The Sunnah of the Prophet ﷺ is indispensable to Islam. Without it, the Qur'ān cannot be practiced. However, early jurists—Hanafi and otherwise—distinguished between *levels of Sunnah transmission*.

What Is Mutawātir?

A report is mutawātir when it is transmitted by such a large number of independent narrators that agreement upon fabrication is rationally impossible. Knowledge of it becomes necessary, not inferential.

Examples include:

- The obligation of ṣalāh
- The number of daily prayers
- Core acts of worship

Types of Mutawātir: Lafẓī and Maʿnawī

Classical scholars distinguished between two fundamentally different forms of mutawātir transmission: **lafẓī (verbal)** and **maʿnawī (conceptual)**. This distinction is crucial, because much confusion arises when later writers speak about mutawātir in general terms without clarifying *which type* they mean.

Mutawātir lafẓī refers to a report transmitted by such a large number of independent narrators at every level that **the exact wording itself** is mass-transmitted, leaving no room for doubt that the Prophet ﷺ uttered those precise words. This is the strictest and most demanding category of mutawātir, and for that reason, it is extremely rare. Many leading hadith scholars explicitly acknowledged that *very few* reports meet this criterion in its pure form.

In fact, numerous authorities held that **only one hadith unquestionably fulfils the conditions of strict lafẓī mutawātir** without dispute:

"Whoever deliberately lies about me, let him take his seat in the Fire."

Man kadhaba ʿalayya mutaʿammidan fal-yatabawwaʾ maqʿadahu mina al-nār.

Sahih al-Bukhari: *Hadith 108, 110, 1291, and 3461.*

Sahih Muslim: Hadith 4

Sunan Ibn Majah: Hadith 30 and 37

This hadith was transmitted through dozens of Companions (more than 70) using the **same essential wording**, across multiple regions, teaching contexts, and generations. Its mutawātir status is so strong that it became the foundation of hadith ethics itself. The very science of hadith criticism rests upon the certainty established by this report. Its rarity underscores how exceptional true lafẓī mutawātir actually is.

By contrast, **mutawātir maʿnawī** does not require identical wording. Instead, certainty arises from **numerous independent reports conveying the same meaning or established reality**, even though the phrasing differs. Examples include the mutawātir certainty of:

- the Prophet ﷺ raising his hands in duʿāʾ,
- his intercession (shafāʿah),
- the obligation of the five daily prayers,
- or his consistent leadership of congregational worship.

Each individual narration within such themes may be āḥād, but the **convergence of meaning across countless reports** yields certainty equivalent to mutawātir. This form of tawātur is far more common and is how the Sunnah's foundational realities were preserved and lived.

The Hanafi school recognised this distinction with particular clarity. It did not artificially inflate the category of lafẓī mutawātir, nor did it dismiss mutawātir maʿnawī as inferior. Instead, it affirmed that **certainty arises either through identical mass wording or through overwhelming**

convergence of meaning, while maintaining that both are categorically distinct from āḥād transmission.

This precision matters. When modern polemics claim that "many hundreds" of hadith are mutawātir without qualification, they blur these categories and undermine epistemic discipline. Classical scholarship was far more restrained. It understood that **the strength of the Sunnah lies not in exaggerating certainty, but in preserving honest distinctions between certainty and probability**. That honesty is precisely what allowed Islamic law to function coherently across centuries.

Classical scholars differed over whether mutawātir transmission requires a **specific minimum number of narrators**. Some later scholars suggested numerical thresholds—such as ten, twelve, twenty, or forty—while others argued that any number sufficient to prevent collusion upon falsehood would qualify. These numerical proposals were not themselves based on explicit textual evidence, but were attempts to describe, rather than define, how certainty arises in practice. Even among those who mentioned numbers, there was no consensus, and most acknowledged that no fixed figure could guarantee certainty in every circumstance. As a result, the majority of usūl scholars ultimately treated numerical references as illustrative guidelines, not binding conditions.

The Hanafi school approached mutawātir transmission differently. Rather than tying certainty to a specific number of narrators, Hanafi jurists defined mutawātir by its **epistemic effect**: a report is mutawātir when its mode of transmission itself produces certainty (yaqīn), such that agreement upon fabrication is rationally impossible. This certainty arises through widespread, independent transmission across multiple levels, combined with public knowledge and communal practice. For Hanafis, certainty cannot be manufactured by counting narrators, nor can it be assumed merely from impressive figures at a single level of transmission. This is why the Hanafi school was cautious in declaring reports mutawātir, restricting the category

primarily to foundational practices of Islam, while treating even sound āḥād reports as probabilistic. This was not hesitation toward the Sunnah, but methodological integrity: **certainty is recognised by its effect on knowledge, not by numerical formulas**.

Legal Status in Hanafi Law

In Hanafi jurisprudence:

- Mutawātir Sunnah yields certainty
- It establishes binding obligation
- It may ground law and belief
- Denial of it is misguidance

Mutawātir Sunnah stands alongside the Qur'ān in epistemic force, though subordinate in source.

4. Āḥād Reports: Authenticity Without Absolute Certainty

An āḥād report may be:

- Ṣaḥīḥ in chain
- Reliable in narrators
- Accepted by ḥadīth specialists

Yet it remains **probabilistic**, not certain. This is not a criticism of ḥadīth—it is epistemic precision. Certainty cannot be produced by solitary transmission.

The Qur'ān itself commands verification:

> *"If a sinner comes to you with news, verify it…"*
> (al-Ḥujurāt 49:6)

Transmission is not treated as automatically decisive merely because it is "heard."

5. Why Probability Cannot Establish Creed

Belief (īmān) is not a matter of likelihood. Allah does not obligate the heart upon doubt.

For this reason, Imam Abū Ḥanīfah held:

- Creed must be grounded in the Qur'ān and mutawātir evidence
- Āḥād reports do not establish foundational beliefs
- This protects faith from contradiction and instability

This principle later became central to Māturīdī theology and Sunni orthodoxy.

6. The Qur'ānic Ethic of Proof: Why Epistemic Weight Matters

The Qur'ān teaches an epistemic ethic through its treatment of testimony. When consequences are grave, proof is strengthened.

Financial Rights

> *"…write it down… and bring two witnesses…"*
> (al-Baqarah 2:282)

Accusations of Zinā

> *"…then do not bring four witnesses—flog them…"*
> (al-Nūr 24:4)

These are not legal technicalities. They establish a principle:

The more serious the consequence, the stronger the proof required.

The Hanafi hierarchy of evidence reflects this Qur'ānic ethic.

7. The Practice of the Companions: Caliph Umar's Epistemic Discipline

When Abū Mūsā al-Ashʿarī cited the Sunnah of seeking permission three times, Caliph Umar demanded corroboration. Only after a second Companion confirmed it did Hazrat Umar accept it as binding public practice.

This incident establishes a decisive principle:

> **Even a Companion's solitary report was not automatically imposed as public law without corroboration.**

This was not distrust. It was method.

8. Certainty Is Not Overturned by Probability

A central Hanafi maxim states:

> **"Certainty is not removed by doubt."**
> (اليقين لا يزول بالشك)

Applied here:

- Qur'ān & mutawātir Sunnah = certainty
- Āḥād reports = probability

Thus:

- A probable report cannot negate a certain ruling
- A solitary narration cannot overturn a universal principle
- Law remains coherent and stable

This is not rigidity—it is intellectual honesty.

9. Ṣaḥīḥ vs Mutawātir: Reliability Is Not Certainty

Modern polemics collapse because two distinct questions are confused:

1. Is the report reliably transmitted? (**ṣaḥīḥ**)
2. Does it yield certainty of occurrence? (**mutawātir**)

A report may be ṣaḥīḥ yet remain probabilistic. Mutawātir yields certainty by mass convergence.

This is why scholars compiled **dedicated mutawātir works**, such as:

- al-Suyūṭī's *Qaṭf al-Azhār* (≈113 reports)
- al-Kattānī's *Naẓm al-Mutanāthir* (≈300+ reports, many mutawātir in meaning)

The Ṣaḥīḥayn are the highest tier of āḥād authenticity—but mutawātir certainty is identified through a different lens.

What must be emphasised is that **āḥād collections, by their very nature, operate within probabilistic epistemology**, regardless of how rigorously authenticated their individual narrations may be. A ṣaḥīḥ āḥād report establishes trustworthiness of transmission, not inevitability of occurrence. This distinction was universally recognised by classical jurists, including the greatest muḥaddithūn themselves, and it explains why āḥād reports were treated differently depending on the legal domain in which they were applied.

The limitation of āḥād transmission does not arise from weakness, but from structure. Solitary or limited transmission—even when continuous and reliable—does not produce the same epistemic force as widespread, public, and independent transmission across generations. For this reason, āḥād reports were never used to establish foundational creed, overturn Qur'anic universals, or impose irreversible public penalties without corroboration.

This was not hesitation toward the Sunnah, but recognition that **certainty cannot be generated by scrutiny alone when the mode of transmission itself remains limited**.

This epistemic restraint is precisely why the existence of ṣaḥīḥ collections never eliminated juristic disagreement. If ṣaḥīḥ authentication alone yielded certainty, legal diversity would have collapsed once the major collections were compiled. Instead, disagreement persisted—not because scholars rejected hadith, but because they understood that **application requires weighing certainty, scope, context, and consequence**, not merely chain reliability.

The Hanafi school articulated this distinction with particular clarity. It treated āḥād reports as authoritative within their proper sphere—ritual practice, personal conduct, subsidiary rulings—while refusing to allow probabilistic evidence to override certainty. In doing so, it preserved the integrity of both revelation and law. Reliability was honoured; certainty was protected. Where the two coincided, law was decisive. Where they did not, restraint was required.

Recognising the inherent epistemic limits of āḥād collections does not weaken the Sunnah. On the contrary, it protects the Sunnah from being forced into roles it was never meant to play. The strength of Sunni jurisprudence lies not in collapsing categories, but in **maintaining distinctions that keep law coherent, just, and intellectually honest**.

Although **Ṣaḥīḥ al-Bukhārī** and **Ṣaḥīḥ Muslim** represent the highest standard of reliability among āḥād compilations, the number of *strictly mutawātir* reports within them is relatively small. Classical hadith scholars consistently noted that the vast majority of narrations in both collections are āḥād in transmission, despite their sound chains. Estimates vary depending on methodological criteria, but scholars generally place the number of explicitly mutawātir reports in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim together in the low dozens, not hundreds. When reports that are *mutawātir in meaning* (tawātur maʿnawī) are included, the number increases, yet still remains a

small fraction of the total corpus. This reality was never viewed as a deficiency of the Ṣaḥīḥayn; rather, it reflects a foundational epistemic distinction long recognised by Sunni scholarship: **authenticity of transmission does not automatically equate to certainty of occurrence**, and even the most rigorously authenticated āḥād collections operate within probabilistic—not definitive—knowledge

10. Why This Method Preserved the Ummah

The Hanafi hierarchy of evidence:

- Prevented legal chaos
- Preserved doctrinal stability
- Protected public trust
- Avoided contradiction

This is why the Hanafi school governed courts, societies, and empires—not merely individuals.

Abū Ḥanīfah did not diminish the Sunnah. He preserved its authority by refusing to misuse it.

Conclusion: Method, Not Polemic

The accusation that Ima Abū Ḥanīfah "preferred opinion over hadith" reflects a failure to understand epistemic hierarchy. He did not oppose the Sunnah—he protected it.

Islam is not a religion built on isolated voices. It is preserved by collective memory, corroboration, and convergence. A madhhab is not a rival to revelation; it is a disciplined method of applying revelation with responsibility. From this epistemic foundation emerges the central Hanafi tool: **qiyās**—reason in the service of revelation, not in competition with it.

Epistemology Table (Hanafi Framework)

Evidence Type	Epistemic Status	Legal Weight	Used For
Qur’an	Qatʿī	Farḍ	Creed, law
Mutawātir Sunnah	Qatʿī	Wājib	Creed, fundamentals
Āḥād Sunnah (ṣaḥīḥ)	Ẓannī	Sunnah / law	Practice
Qiyās	Inferential	Law	New cases
Istihsān	Corrective	Law	Hardship prevention

Part Four

Qiyās

Qiyās: Reason in the Service of Revelation

Islamic law was never revealed as a closed system incapable of responding to new realities. The Qur'an was revealed as guidance for humanity until the end of time, yet its explicitly named cases are finite. Human circumstances, by contrast, are inexhaustible. New forms of commerce emerge, new technologies develop, new social arrangements arise, and new ethical dilemmas confront believers in every generation. If divine law were restricted only to cases explicitly enumerated in revelation, it would rapidly lose its capacity to govern reality.

It is precisely here that **qiyās**—disciplined analogical reasoning—assumes its essential role.

For Imām Abū Ḥanīfah, qiyās was neither speculative philosophy nor personal opinion, nor an intrusion of reason into revelation. It was a *controlled juristic operation*, designed to preserve the intent of divine law where explicit texts do not directly address a case. Qiyās does not create law. It uncovers how existing law extends faithfully and consistently into new circumstances.

1. What Is Qiyās?

Linguistically, **qiyās** means measurement, comparison, or evaluation.

Technically, in Hanafi jurisprudence, it refers to:

Extending a known legal ruling from an established case (al-aṣl) to a new case (al-farʿ) due to a shared effective cause (al-ʿillah).

In essence:

- The law already exists in revelation
- Its operative rationale is identified
- That rationale is applied consistently

Qiyās is therefore not innovation; it is **coherence**. It ensures that similar causes do not yield contradictory rulings and that divine justice remains operative across changing realities.

2. Why Qiyās Is Necessary

The necessity of qiyās is grounded in both revelation and reason.

The Qur'an repeatedly commands reflection, understanding, and insight:

- "Do they not reflect upon the Qur'an?" (47:24)
- "So take heed, O people of insight." (59:2)
- "Indeed, in this are signs for a people who reason." (30:24)

These commands are not rhetorical flourishes. They establish that *understanding and extension* are integral to obedience. A legal system that demanded compliance without comprehension would contradict the Qur'an's own epistemic ethic.

Allah also describes the Qur'an as:

> "An explanation of all things." (16:89)

This explanation is not exhaustive enumeration. It is **principled guidance**, requiring juristic reasoning to apply it correctly to cases not explicitly named.

3. Qur'anic Foundations of Analogical Reasoning

The Qur'an itself reasons by analogy.

The command to take *iʿtibār* (deriving understanding from comparison) lies at the heart of qiyās:

> "So take heed, O people of insight." (59:2)

Parables function through analogy:

> "Allah sets forth parables for mankind so that they may reflect." (14:25)

Meaning is transferred from the known to the unknown. This is precisely what qiyās does in law. Far from opposing revelation, analogy is one of its Qur'anic modes of instruction.

4. Prophetic and Companion Precedent

When the Prophet ﷺ sent Muʿādh ibn Jabal to Yemen, he asked how he would judge. Muʿādh replied:

- "By the Book of Allah."
- "If you do not find it there?" — "By the Sunnah of the Messenger of Allah."
- "If you do not find it there?" — "I will strive with my reasoning."

The Prophet ﷺ approved this method.

Jami` at-Tirmidhi (Hadith 1327)

While scholars have discussed the transmission of this report, it has been **widely cited by jurists of usṵl** to illustrate a foundational principle: when revelation is silent, reasoned judgment under submission is authorised.

The Companions themselves routinely extended rulings by shared causes, assessed consequences, and applied principles across new cases. Qiyās is not a later invention; it is the **systematisation of early juristic practice**.

5. Qiyās Is Not Opinion (Raʾy)

A critical distinction must be made.

Qiyās is not:

- Personal preference
- Subjective opinion
- Philosophical speculation

It is bound by:

- Textual foundations
- Identifiable causes
- Legal coherence
- Ethical restraint

Imam Abū Ḥanīfah feared arbitrary opinion more than most scholars feared error. Qiyās, for him, was a safeguard against whim, not a licence for it.

6. How Qiyās Works: The Four Essential Components

Every valid qiyās contains four indispensable elements. If even one is absent or corrupted, the analogy collapses.

(1) al-Aṣl (The Original Case)

An established ruling grounded in:

- The Qur'an
- Mutawātir Sunnah

- Or sound consensus

It must be well-established, not speculative.

(2) al-Farʿ (The New Case)

A situation not explicitly named in revelation, yet genuinely comparable.

(3) al-Ḥukm (The Legal Ruling)

The ruling attached to the original case and extended to the new one.

(4) al-ʿIllah (The Effective Cause)

The operative legal reason connecting the two.

In the case of wine, the ʿillah is intoxication—not grape origin. Without a valid ʿillah, qiyās degenerates into arbitrariness.

7. Conditions of a Valid ʿIllah

The Hanafi school imposed rigorous conditions on identifying the effective cause. A valid ʿillah must be:

1. **Apparent (ẓāhir)** — not hidden or speculative
2. **Consistent (mundabiṭ)** — present whenever the ruling applies
3. **Relevant (munāsib)** — rationally connected to the law's purpose
4. **Transferable (mutaʿaddī)** — capable of existing in other cases
5. **Uncontradicted by text**

This rigor explains why qiyās is difficult—and why it is restricted to qualified jurists.

8. When Qiyās Is Invalid

Qiyās must not be used:

1. Where a clear text exists

2. Where the ʿillah is imagined or speculative
3. Where analogy contradicts Qur'anic universals
4. Where it produces injustice or undue hardship
5. In pure acts of worship, which are primarily taʿabbudī

This restraint protected law from philosophical excess and ensured submission to revelation.

9. Qiyās Within the Hierarchy of Evidence

Qiyās operates **only after** the hierarchy of proof is respected:

1. Qur'an
2. Mutawātir Sunnah
3. Āḥād Sunnah
4. Qiyās as extension, not replacement

Thus:

- Qiyās never overrides Qur'an or mutawātir Sunnah
- An āḥād report is acted upon unless it conflicts with stronger evidence or established universals
- In such cases, the report is interpreted, restricted, or not used for that legal effect

This is epistemic discipline, not preference.

10. Classical Examples of Qiyās in Action

- **Intoxicants beyond wine**: narcotics and synthetic substances
- **Zakāt on trade goods**: wealth capable of growth
- **Ribā beyond named forms**: disguised and modern usury

- **Medical liability**: negligence assessed by expertise and harm

Without qiyās, these rulings collapse.

11. When Qiyās Is Preferred Over Āḥād Reports

Hanafis give priority to qiyās when:

- The āḥād report conflicts with Qur'anic universals
- The matter affects public order or irreversible consequences
- The report introduces injustice or contradiction

This is especially evident in areas like **ḥudūd**, where irreversible penalties demand the highest certainty. This is jurisprudential mercy, not laxity.

12. The Consequences of Rejecting Qiyās

Rejecting qiyās leads to:

- Legal paralysis in new circumstances
- Inconsistency and hyper-literalism
- Collapse of legal universals
- Selective and ideological use of isolated narrations

Literalism without analogy does not preserve revelation; it empties it of meaning.

13. Qiyās as Mercy, Not Concession

Allah says:

> "Allah intends for you ease and does not intend hardship for you." (2:185)

Qiyās operationalises this mercy by preserving consistency, justice, and intelligibility. It is not leniency—it is fidelity.

Conclusion

Qiyās is not the rival of the Sunnah; it is its interpreter. It ensures that revelation governs reality without distortion, that justice remains coherent, and that law endures beyond its earliest contexts.

Without qiyās, Islamic law fragments. With qiyās, it lives.

PART FIVE

Istiḥsān: The Conscience of Analogical Law

If **qiyās** safeguards coherence, **istiḥsān** safeguards justice and mercy from being crushed by mechanical extension. The Hanafi school defined istiḥsān as **departing from the ruling produced by an apparent analogy to a stronger warrant**—text, consensus, necessity, sound custom within limits, or a deeper and more accurate analogy—when strict analogy would result in hardship, injustice, or distortion of Sharīʿah objectives.

This is not an escape from law. It is law's *self-correction mechanism*.

Istiḥsān is anchored directly in the Qur'anic description of the Sharīʿah's nature. Allah repeatedly negates the idea that divine law is meant to impose unbearable burden:

> **"Allah intends for you ease and does not intend for you hardship."** (Al-Baqarah 2:185)
> **"He has not placed upon you in the religion any hardship."** (Al-Ḥajj 22:78)
> **"Allah does not intend to make difficulty for you…"** (Al-Māʾidah 5:6)

These verses are not merely consolatory. They are **legal axioms**. A jurist who knowingly enforces a ruling that contradicts these universals—when Sharīʿah itself provides a principled correction—has misunderstood obedience.

1. Istiḥsān: Moral Intelligence Within Revealed Law

Islamic law is not a mechanical algorithm. It is divine guidance applied to human life, and human life contains hardship, necessity, competing interests, and imperfect circumstances. Consistency is essential, but consistency alone does not guarantee justice. A ruling may be logically symmetrical yet juristically oppressive; technically precise yet socially destructive.

For this reason, the Hanafi school articulated **istiḥsān** not as an escape from law, but as a **disciplined corrective within law**, ensuring that analogical reasoning does not betray the purposes for which revelation was sent.

In Hanafi uṣūl, istiḥsān means **preferring stronger proof over weaker extension**. It is not personal preference, emotional judgement, or ease-seeking. It is the preference of:

- justice over mechanical symmetry
- stronger evidence over apparent analogy
- Sharīʿah objectives over abstract formalism

This juristic sensitivity is not speculative. It is Qur'anic. Allah makes justice an unconditional legal command:

> **"Indeed Allah commands justice and excellence."** (An-Naḥl 16:90)

Justice is not suspended by logical neatness. When strict analogy produces injustice, the failure is not with mercy, but with method. Istiḥsān exists precisely to correct that failure.

2. The Historical Need for Istiḥsān in Hanafi Law

The necessity of istiḥsān becomes clearer when one considers the environment in which Imam Abū Ḥanīfah developed Hanafi jurisprudence. Kūfa was a centre of dense commercial activity, diverse populations, competing customs, and narrational instability. A purely literalist approach

would fracture under new realities. A purely analogical approach would often impose unbearable hardship.

Imam Abū Ḥanīfah therefore insisted that law must be:

- coherent yet humane
- principled yet workable
- faithful to text without becoming cruel in application

Istiḥsān prevents the jurist from declaring: *"This is the logical outcome, even if it ruins people."*
That is not fiqh. That is **juristic injustice**.

3. The Regulated Forms of Istiḥsān

Hanafi usūl does not treat istiḥsān as an undefined intuition. It is **categorised, constrained, and regulated**.

(1) Istiḥsān by Text

A specific Qur'anic verse or established Sunnah overrides a general analogy. This affirms the foundational principle that **text is stronger than analogy**.

(2) Istiḥsān by Consensus

Where the settled agreement of jurists establishes a ruling contrary to strict analogy, unity and legal stability are preserved.

(3) Istiḥsān by Necessity

Grounded in the Qur'anic recognition that necessity suspends normal restrictions when harm would otherwise be unavoidable:

> **"Whoever is compelled by necessity—without transgression—there is no sin upon him."** (Al-Baqarah 2:173)

(4) Istiḥsān by Custom (ʿUrf)

Sound, widespread social practice clarifies application where texts allow latitude:

> **"Take what is given freely and enjoin what is customary."** (Al-Aʿrāf 7:199)

(5) Istiḥsān by Stronger or Hidden Analogy

Where two valid analogies exist—one apparent but harsh, the other deeper and more aligned with Sharīʿah objectives—the jurist prefers the latter. Not all analogies are equal in moral weight.

4. Guardrails Preventing Abuse of Istiḥsān

Istiḥsān operates only under strict conditions:

- A genuine qiyās must exist as a baseline
- The warrant for departure must be **stronger**, never weaker
- The exception must be limited and targeted
- The outcome must remove real hardship or prevent injustice
- Istiḥsān may **never** contradict the Qur'an or mutawātir Sunnah

These conditions ensure that istiḥsān remains a juristic virtue, not a rhetorical escape.

5. Classical Hanafi Applications

Classical Hanafi law demonstrates this discipline clearly:

- **Communal wells**: strict analogy would render them unusable; istiḥsān recognises necessity and replenishment
- **Service and employment contracts**: invalid under rigid analogy, yet essential for social function

- **Tenancy and usufruct**: preserved through necessity and custom
- **Commercial documentation**: accepted to prevent injustice
- **Shared liability in partnerships**: distributed to prevent oppression

In each case, mechanical analogy would violate the Qur'anic prohibition of injustice:

> **"Do not wrong others, and you shall not be wronged."** (Al-Baqarah 2:279)

6. Istiḥsān in the Modern World

Contemporary dilemmas—financial complexity, medical ethics, technological transformation—cannot be resolved by slogans or intuition. The Hanafi method proceeds methodically:

1. Establish Qur'anic and mutawātir boundaries
2. Identify whether the domain is devotional or transactional
3. Apply disciplined qiyās through a valid ʿillah
4. Test the outcome against Qur'anic universals of justice, mercy, and harm prevention
5. Invoke istiḥsān **only** when strict analogy demonstrably violates those universals

This is neither laxity nor rigidity. It is **juristic maturity**.

7. ʿUrf: Custom Within Revelation's Boundaries

The Hanafi school recognises ʿ**urf** because human life is governed by language, practice, and convention. The Qur'an repeatedly binds social dealings to what is recognised as *maʿrūf* within Sharīʿah limits.

ʿUrf is:

- not a rival revelation
- not an independent moral authority
- not permitted to contradict text

It is a juristic tool for **applying revelation accurately in lived reality** when the texts leave room for specification.

The Limits of Ijtihād: Where Juristic Reasoning Ends

Ijtihād in Hanafi jurisprudence is not an independent source of law, but the disciplined exercise of juristic reasoning through recognised instruments—foremost among them qiyās, and, where necessary, istiḥsān—within non-negotiable textual and epistemic boundaries.

The Hanafi madhhab is often mischaracterised as expanding reason at the expense of revelation. This misunderstanding arises from a failure to recognise that Hanafi jurisprudence is defined not only by its tools of reasoning, but by the strict limits it places upon them. Juristic reasoning (ijtihād) in Hanafi law is powerful—but it is never absolute.

There are domains in which ijtihād does not operate.

Where a ruling is established by definitive (qaṭʿī) text in the Qur'an or mutawātir Sunnah, there is no scope for analogy, preference, or reinterpretation. Fixed acts of worship whose form and quantity are explicitly defined—such as the number of daily prayers, the units of ṣalāh, fasting in Ramaḍān, and the core pillars of Islam—are not subject to juristic modification. In these matters, obedience is taʿabbudī: it is grounded in submission, not rational extension.

Likewise, foundational matters of creed are not derived through analogy or probabilistic evidence. Belief is anchored in certainty, not likelihood. For this

reason, the Hanafi school restricts āḥād reports from establishing doctrinal fundamentals, even while honouring them in law and practice.

Ijtihād operates only where revelation leaves room for application:
where texts are general rather than specific,
where new circumstances arise that were not named explicitly,
or where multiple valid evidences require reconciliation.

Even then, reasoning is not free-form. It is constrained by Qur'anic universals, Prophetic practice, Companion transmission, and the objectives of justice, mercy, and coherence. Where juristic reasoning threatens to undermine any of these anchors, it is abandoned without hesitation.

This disciplined restraint is not a weakness of the Hanafi method. It is its safeguard. Law survives not by expanding without limit, but by knowing precisely where submission ends discussion.

Conclusion

This part establishes that Hanafi jurisprudence is not a contest of quotation, but a disciplined architecture of evidence grounded in Qur'anic epistemics. Allah forbade speaking without knowledge (17:36), condemned replacing truth with conjecture (53:28; 10:36), commanded verification (49:6), and taught—through testimony law—that consequences scale with proof (2:282; 24:4).

The Hanafi school, led by Imam Abū Ḥanīfah, built a legal methodology that honours this divine ethic:

- certainty remains supreme
- probability is honoured but bounded
- qiyās extends law coherently
- istiḥsān prevents mechanical injustice

- ʿurf grounds application in real life without violating revelation

This is why Hanafi law endured as a complete, governable system—and why its moral intelligence remains one of its greatest strengths.

PART SIX

Modern Applications of Hanafi Jurisprudence

Hanafi jurisprudence is not a museum of inherited rulings. It is a *disciplined method*—a hierarchy of proofs, a theory of certainty, and a calibrated use of qiyās and istiḥsān—capable of governing realities the early jurists never witnessed. Modernity does not demand a new religion; it demands correct application of the same religion under new conditions.

Contemporary issues such as organ transplantation, end-of-life care, synthetic finance, and artificial intelligence cannot be resolved by slogan, emotion, or selective quotation. Where no decisive text exists, Hanafi method begins by asking: **What degree of certainty is available, and what Qur'anic universals must govern the reasoning?** Only then does it proceed to qiyās, and only then—where strict analogy risks injustice or hardship—does istiḥsān intervene under strict guardrails.

This part demonstrates *how* Hanafi law reasons in modern domains: neither frozen in the past, nor dissolved into sentiment; neither naïvely literalist, nor recklessly permissive.

Organ Donation

Applying Hanafi Epistemology, Qiyās, and Istiḥsān to Modern Medicine

Organ donation is among the most complex contemporary issues confronting Islamic law. It simultaneously touches:

- sanctity and dignity of the human body
- preservation of life
- consent and ownership of bodily rights

- definition and certainty of death
- necessity (ḍarūrah)
- harm-prevention and exploitation
- commercialisation and trafficking

Organ transplantation did not exist in the pre-modern world. Therefore, **no explicit Qur'anic verse** and **no mutawātir Sunnah** addresses transplantation as a named act. This is methodologically decisive: the issue must be resolved through **Qur'anic universals**, disciplined analogy, and regulated juristic preference—*not* by claiming qaṭʿī certainty where the evidences cannot produce it.

1. Organ Donation is a Juristic Question, Not a "Text Quote" Question

Because transplantation is new in form, three realities follow:

1. No explicit Qur'anic text states, "organ donation is permitted/forbidden."
2. No mutawātir Sunnah addresses it directly.
3. No early ijmāʿ exists on transplantation as practiced today.

So the Hanafi starting point is not "find a quotation," but:
What Qur'anic boundaries are decisive, and what level of certainty is possible?

This immediately excludes two extremes:

- **absolute prohibition** stated as qaṭʿī where the evidence is not qaṭʿī
- **absolute permissibility** without conditions that protect dignity, consent, and certainty

The Hanafi Hierarchy of Proof Applied

Hanafi method proceeds in order:

(A) Is there a decisive prohibition?
No.

(B) Are there decisive Qur'anic universals that govern the issue?
Yes—especially life-preservation, non-harm, dignity, justice, and necessity.

(C) If no decisive text exists, can a disciplined analogy be constructed?
Yes—through established medical interventions permitted under necessity.

(D) If strict analogy creates disproportion or distortion, can istiḥsān correct it under stronger warrants?
Yes—within limits, and never against Qur'an/mutawātir Sunnah.

3. Qur'anic Anchors Governing the Issue

a) Preservation of life

Allah تعالى says:

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"And whoever saves one life, it is as though he has saved all of mankind."
(Qur'an 5:32)

This verse does not legalise every means automatically, but it establishes life-preservation as a dominant objective when no categorical prohibition exists.

b) Mercy and ease are legal axioms, not "soft values"

Allah تعالى says:

يُرِيدُ ٱللَّهُ بِكُمُ ٱلْيُسْرَ وَلَا يُرِيدُ بِكُمُ ٱلْعُسْرَ

"Allah intends for you ease and does not intend for you hardship."
(Qur'an 2:185)

And He says:

وَمَا جَعَلَ عَلَيْكُمْ فِى ٱلدِّينِ مِنْ حَرَجٍ

"He has not placed upon you in the religion any hardship."
(Qur'an 22:78)

These verses function in Hanafi reasoning as constraints: where strict extension yields undue hardship without decisive prohibition, Sharīʿah itself provides principled exits.

c) Necessity is a juristic category

Allah تعالى says:

وَقَدْ فَصَّلَ لَكُم مَّا حَرَّمَ عَلَيْكُمْ إِلَّا مَا ٱضْطُرِرْتُمْ إِلَيْهِ

"He has explained to you what He has forbidden—except what you are compelled to by necessity."

(Qur'an 6:119)

And He says:

فَمَنِ ٱضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَآ إِثْمَ عَلَيْهِ

"Whoever is compelled by necessity—without wilful transgression—there is no sin upon him."

(Qur'an 2:173)

Necessity does not erase all limits. It *narrows* the limits to what is required, and it requires safeguards.

The Central Hanafi Question: What Is the ʿIllah Behind "Bodily Sanctity"?

Some argue: "the human body is sacred, therefore inviolable." Hanafi method asks: **what does sanctity protect, and what is its operative cause?**

The sanctity of the body exists to prevent:

- mutilation
- humiliation
- unjust violation
- harm without warrant
- exploitation of persons

It was never meant to ban all bodily invasion absolutely—otherwise:

- surgery would be impermissible

- amputation to save a life would be impermissible
- opening the abdomen to remove a fatal disease would be impermissible

The sanctity is **purpose-bound**, not mechanically absolute.

Qiyās: Constructing a Valid Analogy

Hanafi qiyās requires:

- an established original case (aṣl)
- a ruling (ḥukm)
- a transferable operative cause (ʿillah)
- a genuinely comparable new case (farʿ)

Aṣl: medically necessary bodily intervention (surgery; removal of harmful organ; amputation to prevent fatal spread)

Ḥukm: permissibility under necessity/benefit and controlled harm

Illah: preservation of life / prevention of greater harm / removal of lethal threat

Farʿ: organ transplantation (living or deceased) to save life or avert irreversible collapse

The analogy is not "organ = organ." It is **harm tolerated for a greater preservation** under strict conditions.

Istiḥsān: Preventing Disproportion and Mechanical Harshness

Even with valid analogy, some may argue: "removing organs after death violates sanctity." Here istiḥsān evaluates *moral proportionality under Qur'anic universals*:

- In deceased donation, **the donor no longer experiences harm**, while the recipient faces death or catastrophic failure.
- Refusal may impose severe hardship and negate life-preservation where no decisive prohibition exists.

So istiḥsān may prefer:

- preserving life and preventing catastrophic harm
  over
- formal bodily integrity after death

But only **within strict guardrails**: consent, dignity, certainty of death, no trafficking, and real medical need.

Consent: A Non-Negotiable Condition

Hanafi law does not permit organ procurement without consent. The Qur'an forbids injustice:

لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

"Do not wrong others, and you shall not be wronged."
(Qur'an 2:279)

Thus:

- informed donor consent (or valid prior authorisation) is essential
- coercion invalidates permissibility
- commercial exploitation violates Sharīʿah even if "life-saving" is claimed

Certainty of Death: Epistemic Restraint Before Irreversibility

Hanafi method insists: **irreversible acts require certainty**. This is governed by the legal maxim:

اليقين لا يزول بالشك

"Certainty is not removed by doubt."

Therefore:

- "brain death" as a legal marker must be treated with rigorous caution

- where authoritative medical determination yields strong certainty, law proceeds
- where doubt exists, permissibility is suspended

This epistemic restraint is the same Hanafi logic used in ḥudūd, testimony, and public-law obligations: probability does not justify irreversibility.

Responding to "Solitary Hadith" Objections Correctly

Some cite reports about the sanctity of the dead, such as the general meaning that harming the dead is like harming the living. Hanafi method does not dismiss such Sunnah. It asks:

- What is the *purpose* of the report? (prevent desecration and humiliation)
- Does applying it absolutely here contradict Qur'anic universals and necessity?
- Can the ruling be restricted to the report's intended domain while preserving its respect?

Where procurement is done:

- with consent
- with dignity
- without desecration
- to preserve life
  the "desecration" meaning is not being enacted, and necessity governs.

Hanafi Summary Ruling (Carefully Stated)

Organ donation is **conditionally permissible** in Hanafi reasoning when:

1. there is genuine necessity or substantial life-saving benefit
2. informed consent exists (donor or valid prior authorisation)
3. death is established with authoritative medical certainty where relevant
4. dignity is preserved; mutilation and disrespect are avoided

5. exploitation, trafficking, and commercialisation are excluded

6. the procedure is proportionate and limited to what necessity requires

This is conservative in method, not liberal in spirit.

Conclusion: Organ donation illustrates why Hanafi jurisprudence remains capable of addressing modern medicine: it preserves revelation's objectives through disciplined method, not through slogans.

End-of-Life Care

Life Support, Withdrawal of Treatment, and the Limits of Obligation in Hanafi Law

Modern intensive care can prolong biological function even when recovery is medically implausible. Islamic law must therefore distinguish between:

- preserving life as a sacred value
- imposing medical intervention as an absolute duty

Hanafi jurisprudence approaches this domain through certainty, harm-prevention, proportionality, intention, and dignity.

1. Life is Sacred, but Sanctity is not "Medical Absolutism"

Allah تعالى says:

وَلَا تَقْتُلُوا ٱلنَّفْسَ ٱلَّتِى حَرَّمَ ٱللَّهُ إِلَّا بِٱلْحَقِّ

"Do not kill the soul which Allah has made sacred, except by right."
(Qur'an 6:151)

This establishes the prohibition of intentional killing. But the same revelation also forbids self-destruction and harm:

وَلَا تُلْقُواْ بِأَيْدِيكُمْ إِلَى ٱلتَّهْلُكَةِ

"Do not throw yourselves into destruction."
(Qur'an 2:195)

And Allah negates hardship as an objective:

وَمَا جَعَلَ عَلَيْكُمْ فِى ٱلدِّينِ مِنْ حَرَجٍ

"He has not placed upon you in the religion any hardship."
(Qur'an 22:78)

Thus sanctity does not mean: "prolong biology at all costs." It means: do not intentionally kill, do not harm, and do not impose cruelty under the name of piety.

2. Treatment is a Means; Its Ruling Varies with Benefit and Harm

A key Hanafi distinction is that treatment is not automatically farḍ. It varies:

- obligatory when benefit is strong and harm minimal
- recommended when benefit likely
- permissible when uncertain
- discouraged when harm outweighs benefit
- not required when futile

This is rational, Qur'anic, and consistent with the Hanafi refusal to impose obligation without clear warrant.

3. Qiyās: Medical Futility and Non-Intervention

Hanafi qiyās draws on classical discussions permitting refusal of interventions that are painful, dangerous, or futile where benefit is absent or purely speculative.

Aṣl: harmful intervention with no reasonable expected benefit

Ḥukm: non-intervention is permissible

ʿIllah: absence of benefit + presence of harm

Farʿ: continued life support where recovery is medically impossible or negligible

Therefore, where medical consensus indicates futility and continued intervention causes harm or indignity, continuing treatment is not obligatory.

4. Certainty, Doubt, and Determination of Death

End-of-life rulings involve irreversible consequences. Hanafi epistemology therefore applies:

اليقين لا يزول بالشك

"Certainty is not removed by doubt."

- coma is not death
- disability is not death
- loss of consciousness is not death
- severe brain injury is not death by default

Legal conclusions require authoritative medical determination and certainty. Where doubt exists, restraint prevails.

5. Withdrawal of Life Support: Letting Die vs Causing Death

Hanafi law distinguishes:

- **active causation of death** (killing) — categorically prohibited
- **withdrawing futile treatment** — may be permissible

If a machine is no longer serving a legitimate medical purpose and only prolongs harm or indignity, discontinuing it allows death to occur naturally. Intention matters: the intent is not to cause death, but to cease futile intervention.

6. DNR Orders

A Do-Not-Resuscitate order can be Hanafi-permissible when:

- resuscitation has negligible chance of success
- it imposes significant harm, indignity, or trauma
- the patient consents, or a lawful proxy decides in the patient's best interest
- the decision is grounded in responsible medical judgement

7. Euthanasia: A Non-Negotiable Boundary

Active euthanasia intentionally causes death and is prohibited. Compassion does not permit killing. Hanafi law preserves sanctity without cruelty by allowing withdrawal of futility, not authorising intentional death.

Conclusion: Hanafi jurisprudence honours life without idolising technology. It preserves dignity, restrains harm, and applies certainty before irreversibility.

Modern Finance, Ribā, and Synthetic Instruments

Applying Hanafi Methodology to Contemporary Economic Reality

Modern finance is a severe stress-test for Islamic law because ribā today is often embedded in technical structures rather than blunt contracts. A method that polices vocabulary alone will:

- ban harmless complexity

- permit exploitation through renaming

Hanafi jurisprudence avoids this by analysing **substance, causation, and effect**, while remaining anchored to classical ribā categories.

1. Qur'anic Foundation: Ribā is Categorically Prohibited

Allah تعالى says:

وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا

"Allah has permitted trade and prohibited ribā."
(Qur'an 2:275)

And He says:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ ٱتَّقُواْ ٱللَّهَ وَذَرُواْ مَا بَقِىَ مِنَ ٱلرِّبَوٰٓا

"O you who believe, fear Allah and give up what remains of ribā."
(Qur'an 2:278)

And He seals the matter with the ethical boundary:

لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

"Do not wrong others, and you shall not be wronged."
(Qur'an 2:279)

This last clause is decisive: ribā is not merely a "technical form." It is a moral boundary against structured injustice.

2. Hanafi Precision: Technical Ribā Rules + Operative Moral Reality

Classical Hanafi fiqh defines ribā through recognised categories and rules. But Hanafi method also examines the *operative reality* targeted by the prohibition—especially unjust gain that functions as exploitation.

So modern analysis must keep both together:

- **technical fiqh categories** remain authoritative
- **substance analysis** prevents manipulation by renaming

3. Qiyās: Penetrating Synthetic Structures

Hanafi qiyās looks beyond labels:

- if a structure guarantees gain merely by time
- shifts risk unjustly to one party
- replicates interest in substance
  then the operative cause of ribā is present, even if the contract uses "fees" or "returns."

Conversely, where:

- profit follows real economic activity
- risk is genuine
- returns are not guaranteed irrespective of outcome
  then complexity does not itself make it haram.

4. Why Literalism Collapses in Modern Finance

Allah تعالى says:

وَلَا تَأْكُلُوٓاْ أَمْوَٰلَكُم بَيْنَكُم بِٱلْبَٰطِلِ

"Do not consume one another's wealth unjustly."
(Qur'an 2:188)

A purely terminological method can be gamed. Hanafi method prevents that by tying legality to justice and effect.

5. Istiḥsān: Avoiding Paralysis Without Permitting Ribā

Strict analogy can sometimes ban necessary transactional mechanisms that do not reproduce ribā's operative cause. Here istiḥsān permits functional structures where:

- exploitation is absent
- consent is informed
- genuine risk exists
- the Qur'anic boundary of "no wrongdoing" is maintained

This does not legalise ribā. It prevents unnecessary hardship where the moral and legal cause is absent.

6. Inflation and Severe Devaluation

Inflation creates genuine hardship when nominal repayment no longer equals value. Many contemporary jurists allow limited adjustment in severe devaluation to prevent oppression—treating it as value-preservation, not profit. The controlling boundary remains:

لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

"Do not wrong others, and you shall not be wronged."
(Qur'an 2:279)

Conclusion: Hanafi finance is uniquely capable of modern analysis because it regulates substance, prevents manipulation, and avoids paralysis—through qiyās and istiḥsān under Qur'anic justice.

Artificial Intelligence, Automation, and Moral Agency

Applying Hanafi Principles of Intention, Causation, and Liability to Emerging Technologies

AI introduces new *mechanisms* but not new *moral foundations*. Machines can act, learn, and predict, but they do not possess moral intention. Hanafi jurisprudence therefore asks: **who bears responsibility when a machine acts?** The answer must return to human agency, causation, negligence, and accountability.

1. Moral Accountability Requires Capacity and Intention

Allah تعالى says:

لَا يُكَلِّفُ ٱللَّهُ نَفْسًا إِلَّا وُسْعَهَا

"Allah does not burden a soul beyond its capacity."
(Qur'an 2:286)

Capacity includes understanding and intention. A machine has neither. Therefore:

- AI bears no sin
- AI bears no moral blame
- AI is a tool; liability returns to humans and institutions

2. Qiyās: AI as Tool, Mechanism, and Delegated Operation

Hanafi law has long analysed harm caused by:

- tools
- delegated agents
- trained mechanisms
- indirect causation (tasabbub)

The question is never "did the tool intend harm?" but:

- who introduced the cause
- who controlled it
- who neglected safeguards
- what was foreseeable

3. Causation, Foreseeability, and Cooperative Harm

Allah تعالى says:

وَلَا تَعَاوَنُواْ عَلَى ٱلْإِثْمِ وَٱلْعُدْوَٰنِ

"Do not cooperate in sin and transgression."
(Qur'an 5:2)

If a system predictably harms and safeguards are ignored, "the algorithm did it" does not sever responsibility.

4. Medical AI and Professional Responsibility

Where AI assists diagnosis and treatment:

- blind reliance without verification can be negligence
- delegation does not nullify accountability
- foreseeable harm triggers liability

This aligns with:

وَلَا تُلْقُوا۟ بِأَيْدِيكُمْ إِلَى ٱلتَّهْلُكَةِ

"Do not throw yourselves into destruction."
(Qur'an 2:195)

5. Istiḥsān: Allowing Benefit with Guardrails

AI has benefits. But benefit alone does not legalise systemic harm. Istiḥsān permits AI where:

- accountability is preserved
- oversight exists
- harm is mitigated
- transparency and correction are possible

It restrains AI where:

- harm becomes systemic
- accountability disappears
- people are exposed to irreversible risk without remedy

6. Bias, Surveillance, and Structural Injustice

Allah تعالى says:

إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلظَّـٰلِمِينَ

"Indeed Allah does not love the unjust."
(Qur'an 3:57)

A system that predictably entrenches injustice violates Sharīʿah objectives even if efficient.

Conclusion: Technology does not absolve moral responsibility; it amplifies it. Hanafi law keeps machines as tools and humans as accountable agents.

PART SEVEN

In Defence of Imam Abu Ḥanīfah and the Hanafi Madhhab

Purpose of This Part

Few scholars in Islamic history have been as influential—and as misunderstood—as Imām Abū Ḥanīfah. Among the most common polemics directed against him is the claim that he "preferred opinion over ḥadīth," or that following him means abandoning the Sunnah. These accusations persist largely because *method* is mistaken for *rebellion*.

This part answers the major criticisms directly, then explains the deeper methodological issue: **how the Sunnah is preserved and applied responsibly**, and why the madhhab tradition—especially the Hanafi school—is not a rival to revelation, but a safeguard against its misuse.

Why the Salaf Needed Madhhabs

The assumption that the earliest generations of Muslims practiced Islam without structured legal methodologies is historically false. The Companions themselves differed in legal judgement, interpretive approach, and practical application—often while agreeing fully on faith, piety, and loyalty to the Messenger ﷺ.

These differences did not arise from rebellion against revelation, but from engagement with it. The Qur'an was revealed in layers of meaning; the Sunnah was lived across varying circumstances; and not every situation was addressed by explicit text. The earliest jurists therefore transmitted not only individual rulings, but patterns of reasoning, priorities of evidence, and methods of reconciliation.

The madhhabs emerged to preserve these methods—not to compete with revelation, but to protect it from fragmentation.

A madhhab is not blind loyalty to a man. It is loyalty to a tested interpretive system that has absorbed disagreement without collapse. The alternative to madhhabs was never "pure Qur'an and Sunnah"; it was individual interpretation without accountability.

To follow a madhhab is not to insert a barrier between oneself and the Prophet ﷺ. It is to approach the Sunnah through a methodology refined by generations who understood its language, context, and legal weight far better than any isolated reader today.

The Hanafi madhhab did not arise despite the Salaf. It arose because of them.

Section One: Answering the Major Criticisms of Imām Abū Ḥanīfah

Objection 1: "Did Imam Abū Ḥanīfah know ḥadīth?"

This claim is historically false. Imam Abū Ḥanīfah lived before the era of later canonical compilation, yet he studied, transmitted, and evaluated reports with the leading scholars of his time, and travelled for knowledge. His foremost students—Abū Yūsuf and Muḥammad al-Shaybānī—were recognised authorities in both jurisprudence and hadith.

The accusation arises because Imam Abū Ḥanīfah did **not** apply narrations indiscriminately in legal obligation—especially in Kūfa, where fabrication and partisan transmission were widespread—not because he was ignorant of hadith.

Objection 2: "He preferred opinion (raʾy) over the Prophet ﷺ."

This objection confuses method with defiance.

Abū Ḥanīfah rejected:

- arbitrary opinion

- unrestrained speculation
- unsystematic application of isolated reports

He embraced:

- the Qur'an first
- mutawātir Sunnah second
- disciplined use of āḥād reports with conditions
- qiyās to preserve coherence where texts are silent

This is not opposition to the Sunnah. It is protection of the Sunnah from misuse.

Objection 3: "Why follow Abū Ḥanīfah instead of the Prophet ﷺ?"

This slogan misunderstands what a madhhab is.

A madhhab is not an alternative to the Prophet ﷺ. It is a **disciplined method of following him** responsibly.

No one today "accesses revelation directly." Everyone relies on scholarly mediation—whether they admit it or not: through teachers, edited collections, translations, fatwa councils, and interpretive choices. The question is not whether you follow scholarship, but **which methodology you follow**—and whether it is coherent, cumulative, and accountable.

Objection 4: "He went against ṣaḥīḥ ḥadīth."

Leaving a report does not equal rejecting the Prophet ﷺ. A jurist may leave a narration because:

- it conflicts with Qur'anic universals
- it is opposed by stronger evidence
- it concerns public or irreversible matters requiring stronger proof

- it is restricted by context
- it is reconciled by a more comprehensive reading of the Sunnah

This is juristic responsibility, not defiance.

Objection 5: "If a ḥadīth is ṣaḥīḥ, it must be followed."

This statement is incomplete.

Ṣaḥīḥ answers one question: **Is the report reliably transmitted?**
Fiqh answers further questions:

- How is it applied?
- Is it general or specific?
- Is it restricted by context?
- Is it earlier or later practice?
- Is it reconciled with other texts?
- Does applying it here collapse a Qur'anic universal?

Authentication is not the same as universal applicability.

Objection 6: "Hanafis reject āḥād ḥadīth."

False. Hanafis use āḥād reports extensively in:

- worship
- transactions
- personal law
- ethics and virtue

They restrict āḥād only in:

- creed (ʿaqīdah)

- irreversible penalties and public-law foundations
- issues where certainty is required and probability cannot establish binding universals

This is not "anti-hadith." It is Qur'anic epistemic discipline.

Objection 7: "Why did Imam Abū Ḥanīfah rely so much on qiyās?"

Because law must function across time.

Without qiyās:

- new harms remain legally unregulated
- exploitation becomes lawful by technicality
- justice collapses into inconsistent literalism

Qiyās ensures similar causes receive similar rulings—which is a core meaning of justice.

Objection 8: "Other Imams didn't do this."

They did—differently. Each Imam responded to his environment:

- Imam Mālik preserved the practice of Madīnah
- Imam Shāfiʿī formalised uṣūl articulation
- Imam Aḥmad preserved hadith transmission and resisted theological coercion

Imam Abū Ḥanīfah's context—especially in Kūfa—required heightened epistemic caution and systematic reasoning amid narrational instability and legal fragmentation. Difference of method is not difference of faith.

Objection 9: "This is just Hanafi apologetics."

Explaining methodology is not apologetics. Every legal system operates on principles. Hanafi usṣūl is simply explicit about them: certainty, hierarchy, coherence, and moral restraint.

Objection 10: "This weakens the Sunnah."

On the contrary, it strengthens it.

By refusing to misuse solitary reports as foundations for creed or irreversible public law, Imam Abū Ḥanīfah preserved the Sunnah from:

- contradiction
- chaos
- exploitation
- selective weaponisation

He did not stand between Muslims and the Prophet ﷺ. He stood between revelation and misuse.

Section Two: Method, Authority, and the Preservation of the Sunnah

This section does **not** question the sincerity of those drawn to anti-madhhab or "no-taqlīd" trends. Many are motivated by a genuine desire to follow Qur'an and Sunnah. But sincerity is not a substitute for method. Islamic scholarship has always distinguished between **good intention (niyyah)** and **correct methodology (manhaj)**.

The critique here is methodological, epistemic, and juristic—not personal.

What Is Being Critiqued—and What Is Not

This is not a critique of the classical muḥaddithūn—those giants of hadith scholarship who were grounded in:

- fiqh
- usṣūl
- Arabic
- reconciliation of evidences
  and who often operated within madhhabs.

The critique concerns the modern anti-madhhab literalist trend characterised by:

- minimising or rejecting the madhhab tradition
- direct extraction of rulings from hadith texts by non-mujtahids
- flattening the hierarchy of evidence
- treating ṣaḥīḥ āḥād reports as decisive in every domain
- suspicion toward qiyās, istiḥsān, and legal maxims
- claiming "no taqlīd" while functionally following contemporary authorities

What unites these tendencies is not malice, but a **collapse of juristic architecture**. The problem is not reverence for hadith; it is the assumption that reverence alone authorises independent legal extraction. Classical Islam never treated access to texts as equivalent to authority over law. Between text and ruling stand disciplines developed precisely to prevent misuse: usṣūl al-fiqh, principles of reconciliation, gradation of proof, awareness of context, and recognition of juristic roles. When these are bypassed, the result is not purity—it is fragmentation.

A defining feature of this trend is the **flattening of evidence**. Texts that classical scholars carefully differentiated—Qur'an versus Sunnah, mutawātir versus āḥād, normative command versus descriptive report—are treated as legally interchangeable. This erasure of epistemic hierarchy produces unstable law. Matters of public worship, communal norms, and binding

obligation are routinely reshaped on the basis of solitary reports, without regard for certainty, continuity, or the practice of the Companions. What emerges is not Sunnah-centrism, but **evidentiary confusion**.

Equally problematic is the **misunderstanding of taqlīd**. The critique of taqlīd is often framed as liberation from authority, yet in practice it results in **unacknowledged substitution of authority**. The madhhab jurist—whose methodology is transparent, inherited, and internally accountable—is replaced by a modern preacher, editor, or content curator whose methodological assumptions are rarely stated and never scrutinised. Authority is not abolished; it is merely relocated, stripped of safeguards, and rendered opaque.

This trend also exhibits a persistent **category error**: treating legal disagreement as textual disagreement. Classical jurists often agreed on the authenticity of a report while differing on its scope, application, or legal weight. To read this disagreement as "acceptance versus rejection of hadith" is to misunderstand how law functions. The Hanafi school, in particular, was distinguished not by denial of reports, but by **caution in binding the Ummah** with probabilistic evidence where certainty was required. This caution was not reluctance—it was responsibility.

Suspicion toward qiyās and istiḥsān further reveals a deeper issue: an unease with **reasoned continuity**. Yet without analogy, law cannot move beyond enumerated cases; without principled preference, law hardens into mechanical injustice. The very scholars most revered by modern literalists relied extensively on these tools, even if under different names. Rejecting them in theory while using them unconsciously in practice does not eliminate reasoning—it merely renders it **undisciplined**.

Finally, the most consequential outcome of this approach is not theoretical error, but **erosion of legal unity**. When every individual becomes a self-directing jurist, disagreement no longer resolves into schools, but multiplies into personal verdicts. Worship fragments, communal practice destabilises,

and the Sunnah—once preserved through disciplined transmission—becomes a field of competing impressions. What is lost is not diversity, but coherence.

The Hanafi tradition responds to this challenge not with slogans, but with structure. It affirms the Sunnah by preserving its **method of transmission into law**, not merely its textual record. It distinguishes sincerity from authority, access from qualification, and devotion from obligation. In doing so, it safeguards the Sunnah not as a collection of reports, but as a lived, governable inheritance—capable of uniting the Ummah rather than dividing it.

Section Three: The Central Error—Collapse of Epistemic Hierarchy

Classical Sunni jurisprudence is built upon graded proof:

- Qur'an: definitive in transmission and supreme in authority
- mutawātir Sunnah: certainty (yaqīn) in practice and fundamentals
- āḥād reports: probability (ẓann), honoured but bounded
- qiyās: coherence where texts are silent
- istiḥsān: correction where strict analogy becomes unjust or harsh

Modern literalism often flattens this hierarchy by treating a ṣaḥīḥ āḥād report as decisive proof in every domain. This is epistemologically indefensible and collapses Sunni uṣūl into textual atomism.

The Qur'an Teaches Proof Scales With Consequence

Allah ties greater consequences to stronger proof.

Financial rights:

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا تَدَايَنتُم بِدَيْنٍ إِلَىٰٓ أَجَلٍ مُّسَمًّى فَٱكْتُبُوهُ ... وَٱسْتَشْهِدُواْ شَهِيدَيْنِ مِن رِّجَالِكُمْ

"O you who believe! When you contract a debt for a specified term, write it

down… and bring as witnesses two witnesses from among your men…"
(Qur'an 2:282)

Accusations of zinā:
وَٱلَّذِينَ يَرْمُونَ ٱلْمُحْصَنَٰتِ ثُمَّ لَمْ يَأْتُوا۟ بِأَرْبَعَةِ شُهَدَآءَ فَٱجْلِدُوهُمْ ثَمَٰنِينَ جَلْدَةً
"Those who accuse chaste women and then do not bring four witnesses—flog them with eighty lashes…"
(Qur'an 24:4)

The principle is clear: **the more serious and irreversible the consequence, the stronger the proof required.** Hanafi hierarchy is not "preference." It is Qur'anic legal ethics.

Section Four: Authentication Is Not Juristic Authority

A famous slogan is repeated:

> "If the hadith is ṣaḥīḥ, that is my madhhab."

Detached from scholarly context, this is misleading. Authentication answers:

- Did the Prophet ﷺ say this (with reliable probability)?

Jurisprudence must answer:

- How is it applied?
- Is it general or specific?
- Is it earlier or later?
- Is it restricted by circumstance?
- How is it reconciled with other texts?
- Does its application here violate a Qur'anic universal?

Without reconciliation, hierarchy, and consequence-awareness, law becomes a collection of isolated fragments, not a governable Sharīʿah.

Section Five: The Illusion of "Direct Access" to the Sunnah

Anti-madhhab discourse sometimes portrays madhhabs as barriers between Muslims and the Prophet ﷺ. In reality, the opposite is true.

No modern person has "direct access" to:

- full hadith variants and narrational pathways
- circumstances of narration
- abrogation and chronological sequencing
- the practice of the Companions across regions
- centuries of juristic reconciliation

What this approach actually produces is replacement of cumulative scholarship with individual interpretation (or unacknowledged reliance upon modern authorities). That is not humility before Sunnah. It is epistemic overconfidence masked as piety.

Section Six: Why Literalism Fails

Literalism fails because it mistakes:

- **textual presence** for **legal meaning**
- and **authentication** for **application**

1) The Qur'an Rejects Flat Self-Interpretation

Allah تعالى says:

هُوَ ٱلَّذِىٓ أَنزَلَ عَلَيْكَ ٱلْكِتَـٰبَ مِنْهُ ءَايَـٰتٌ مُّحْكَمَـٰتٌ هُنَّ أُمُّ ٱلْكِتَـٰبِ وَأُخَرُ مُتَشَـٰبِهَـٰتٌ

"It is He who has sent down to you the Book; in it are verses that are clear—these are the foundation of the Book—and others are ambiguous."
(Qur'an 3:7)

This alone destroys naïve literalism. Not all texts operate identically; some establish foundations, others require disciplined interpretation and reconciliation.

2) Literalism Collapses Under Apparent Contradictions

Any serious engagement with hadith reveals apparently conflicting reports. Classical Sunni law developed tools:

- reconciliation (jamʿ)
- preference (tarjīḥ) via hierarchy and universals
- abrogation (naskh) under strict conditions
- suspension (tawaqquf) where certainty is absent

Flat literalism has no stable internal method for these, so it often resolves conflict by ad hoc selection.

3) The Companions Themselves Were Not Flat Literalists

The Companions demanded verification in public-law consequences and did not impose solitary transmission as universal norm without corroboration. This was not rejection of Sunnah, but protection of Sunnah from misuse.

4) The Qur'an Commands Reflection, Not Surface Reading

Allah تعالى says:

أَفَلَا يَتَدَبَّرُونَ ٱلْقُرْءَانَ

"Do they not reflect upon the Qur'an?"
(Qur'an 4:82)

Reflection (tadabbur) is not synonymous with literal reading. It requires intent, scope, reconciliation, and application.

5) Contextual Sunnah Cannot Be Universalised Mechanically

The Sunnah contains rulings conditioned by:

- time

- place
- circumstance
- audience

Without disciplined context-awareness, one oscillates between over-generalising everything and restricting things only when inconvenient—both methodological failures.

6) "No Taqlīd" Often Becomes Hidden Taqlīd

Many who reject madhhabs still follow:

- contemporary scholars
- translations
- edited selections
- modern fatwa channels

Taqlīd is not eliminated; it is merely unacknowledged—without the accountability of a structured uṣūl tradition.

7) Texts Alone Do Not Unite—Method Unites

The promise that "direct hadith reading" will unify the Ummah is contradicted by the reality of endless internal disputes. Shared texts do not guarantee shared application. A madhhab does not replace revelation; it preserves application of revelation through stable method.

Conclusion: Madhhabs as Guardians, Not Rivals

The core problem with modern anti-madhhab literalism is not love of the Sunnah. It is misunderstanding how the Sunnah is preserved and applied.

The Hanafi school does not stand opposed to Sunnah. It stands opposed to **misuse of Sunnah**:

- by collapsing certainty into probability

- by treating authentication as automatic legal obligation
- by ignoring hierarchy, consequence, and context

In an age of decontextualised texts and information overload, disciplined Hanafi method is not outdated—it is indispensable. It protects revelation from contradiction, from exploitation, and from the arrogance of untrained certainty.

Ten Common Claims — and the Hanafi Response

Claim	Hanafi Response
1. Abū Ḥanīfah did not know ḥadīth	Historically false. He studied with leading scholars, travelled for knowledge, and trained students who became authorities in both fiqh and ḥadīth. His caution reflects method, not ignorance.
2. He preferred opinion over the Prophet ﷺ	He rejected arbitrary opinion, not disciplined reasoning. Qur'an, mutawātir Sunnah, āḥād reports with conditions, and qiyās form a hierarchy — not rebellion against Sunnah.
3. Why follow Abū Ḥanīfah instead of the Prophet ﷺ?	A madhhab is not an alternative to the Prophet ﷺ but a *method* of following him responsibly in the absence of direct revelation access.
4. He went against ṣaḥīḥ ḥadīth	Leaving a report may be due to conflict with Qur'anic universals, stronger evidence, public-law consequences, or contextual restriction — not rejection of the Prophet ﷺ.
5. If a ḥadīth is ṣaḥīḥ, it must be followed	Ṣaḥīḥ establishes authenticity, not universal applicability. Law requires reconciliation, context, hierarchy, and assessment of consequence.
6. Hanafis reject āḥād reports	False. Āḥād reports are widely used in worship, transactions, and ethics. Restriction applies only to creed and irreversible public law, mirroring Qur'anic epistemics.
7. Why so much qiyās?	Without qiyās, new harms go unregulated and justice collapses. Qiyās ensures similar causes receive similar rulings — the essence of justice.
8. Other Imams didn't do this	They did — differently. Each Imam responded to his context. Methodological diversity is not doctrinal deviation.
9. This is just Hanafi apologetics	Explaining legal methodology is not apologetics. Every legal system operates on principles; Hanafi uṣūl is explicit about them.
10. This weakens the Sunnah	It strengthens the Sunnah by preventing misuse of isolated reports as foundations for creed or irreversible law, preserving coherence and justice.

PART EIGHT

Method Before Polemic: How Hanafi Fiqh Weighs Evidence, Language, and Law

This part addresses a recurring accusation directed at the Hanafi madhhab: that it either "goes against hadith," relies excessively on reason, or departs from the apparent wording of the Qur'an and Sunnah. Such claims collapse under serious scrutiny. What they reveal instead is a misunderstanding of how law is meant to function, how language operates, and how revelation was transmitted and lived.

Imam Abu Hanifa did not construct a madhhab around isolated texts, emotional literalism, or retrospective system-building. He inherited a living juristic tradition rooted in the Qur'an, implemented by the Companions, refined through testimony, practice, and legal continuity, and governed by principles of certainty, coherence, and justice. His methodology does not ask: "What does this text say if read alone?" It asks: "How does this text function within the totality of revelation, language, and lived Sunnah?"

The following issues are frequently weaponised in polemics against the Hanafi school. When examined properly, they instead become some of the strongest demonstrations of Hanafi legal intelligence, balance, and fidelity to revelation. Each issue will be treated on its own terms, yet together they reveal a single methodological spine.

Issue One: Saying Āmīn Quietly — A Hanafi Case Study in Legal Method, Not Ritual Polemics

What is actually being debated

All Sunni schools agree that saying Āmīn after Sūrat al-Fātiḥah is Sunnah. The disagreement has never been over whether Āmīn is said, but over *how it is expressed* in congregational prayer: quietly as an inward supplication within ṣalāh, or audibly as a public marker heard across the rows. The Hanafi school approaches this question not as a contest of isolated narrations, but as a matter of legal classification, normativity, and method.

The Hanafi ruling, precisely stated

In the Hanafi school:

1. Saying Āmīn is Sunnah for both the imām and the follower.
2. It is said quietly (sirr), not as a loud congregational utterance.
3. Loudness is not treated as a Sunnah to be institutionalised as a stable mosque practice or communal identifier.

This formulation is intentional. It affirms the Sunnah without converting every reported occurrence into a permanent ritual form.

The Hanafi position does not deny that audible Āmīn occurred; it denies only that audibility was established as a binding, permanent ritual norm.

The Hanafi school approaches this question not as a contest of isolated narrations Why Āmīn is classified as quiet by default

Āmīn is not recitation (tilāwah) and not a formula of public proclamation; it is duʿāʾ. In Hanafi legal reasoning, the category of an act determines its default ruling. The foundational principle is that supplication within prayer is characterised by humility, inwardness, and restraint, not vocal performance, unless a decisive text establishes public audibility as the intended norm. This is often expressed by jurists as: *al-aṣl fī al-duʿāʾ al-ikhfāʾ* — the default state of supplication is quietness.

This is not an arbitrary preference but a structural rule. Exceptions exist, but exceptions require clear normative instruction, not descriptive narration.

Qur'anic anchoring and juristic ethos

The Qur'an establishes a general ethic governing supplication:

ٱدْعُواْ رَبَّكُمْ تَضَرُّعًا وَخُفْيَةً ۚ إِنَّهُۥ لَا يُحِبُّ ٱلْمُعْتَدِينَ

"Call upon your Lord humbly and privately. Surely He does not love the transgressors." (al-Aʿrāf 7:55)

This verse is not cited as a narrow proof-text to measure the volume of Āmīn. Rather, it establishes a juristic orientation: duʿāʾ is not naturally a public display. Hanafis treat this as a supporting principle that informs classification. Unless the Sunnah explicitly designates loudness as a ritual objective, the default remains quiet.

The central Sunnah evidence — and what it does and does not prove

The well-known authentic hadith states: "When the imām says Āmīn, then say Āmīn, for the angels say Āmīn; and whoever's Āmīn coincides with that of the angels will have his previous sins forgiven." (Sahih Bukhari 6402)

This hadith is accepted by all schools and establishes the Sunnah of saying Āmīn. What it does not establish is *how* it is said.

The Hanafi position is straightforward: one may not insert "loudly" into the text where the text itself is silent. Normative details require explicit establishment, not assumption.

Āmīn Is Duʿāʾ — and the Sunnah Establishes Quiet Duʿāʾ as the Norm

The Prophet ﷺ said:

«خَيْرُ الذِّكْرِ الْخَفِيُّ، وَخَيْرُ الرِّزْقِ مَا يَكْفِي»

"The best remembrance is that which is hidden, and the best provision is that which suffices."

— *Musnad Aḥmad* (ḥadīth no. 15607), graded **ṣaḥīḥ** by al-Albānī

And he ﷺ said:

«ارْبَعُوا عَلَى أَنْفُسِكُمْ، فَإِنَّكُمْ لَا تَدْعُونَ أَصَمَّ وَلَا غَائِبًا»

"Be gentle upon yourselves; you are not calling upon One who is deaf or absent."

— *Ṣaḥīḥ al-Bukhārī* (ḥadīth no. 2992), *Ṣaḥīḥ Muslim* (ḥadīth no. 2704)

These narrations establish a **general Prophetic rule**:
Supplication is not meant to be vocally projected unless a clear reason exists.

Since **Āmīn is duʿāʾ by consensus**, it **inherits the default Sunnah posture of quietness**, unless the Prophet ﷺ explicitly established audibility as the ritual objective — which he did not.

The epistemic point that resolves the dispute

The hadith links forgiveness to *muwāfaqah* — coincidence with the angels' Āmīn. The angels' Āmīn is not audible to human beings. Therefore, coincidence cannot logically refer to matching volume. It can only refer to timing, state, and inward conformity. This is not rhetorical reasoning but legal causation (taḥqīq al-manāt): if the effective cause of reward is coincidence, and audibility plays no role in that cause, then loudness is legally irrelevant to the objective of the Sunnah.

What about narrations that mention raising the voice?

The Hanafi school does not deny that there are narrations describing audible Āmīn. The disagreement is not over existence but over *normativity*. A report may describe an occurrence without establishing it as a permanent ritual form. Hanafi jurists typically analyse such reports through several lenses:

First, descriptive is not prescriptive. Statements such as “I heard him raise his voice” describe an instance; they do not issue a command nor define a ritual requirement.

Second, instructional context. In the early formation of communal prayer, the Prophet ﷺ sometimes raised his voice to teach timing and coordination. Teaching moments do not automatically become ritual goals.

Third, continuity of communal transmission. If loud Āmīn were intended as a stable mosque marker — like audible takbīr, iqāmah, or recitation — it would have been transmitted with the same ubiquity and consistency across the Companions and subsequent generations. It was not. The Hanafi argument here is not denial but weighting: continuous, public, uncontested practices carry greater normative force than isolated descriptions.

Permissibility without institutionalisation

The Hanafi position is often misunderstood as negation. In reality, it is distinction. Audible Āmīn occurred; therefore, it is permissible. What is not established is that loudness was meant to be a binding communal norm or a defining ritual sound of the mosque. This distinction allows the school to preserve the Sunnah without freezing every narrated moment into permanent law.

Companion Practice and Quiet Āmīn

Several leading Companions are reported to have **said Āmīn quietly** in prayer and did not institutionalise audible Āmīn as a congregational norm. Among them was **ʿAbdullāh ibn Masʿūd**, whose prayer practice formed the backbone of the Kūfan legal tradition and was transmitted systematically to later jurists. Reports from his circle indicate that Āmīn was said softly, consistent with its classification as duʿāʾ rather than recitation. This practice was neither marginal nor contested in his region.

Likewise, reports are transmitted from ʿ**Alī ibn Abī Ṭālib**, ʿ**Abdullāh ibn** ʿ**Abbās**, and ʿ**Abdullāh ibn al-Zubayr** indicating prayer without loud Āmīn. None of these Companions is reported to have censured quiet Āmīn, nor to have treated audibility as a defining Sunnah marker. The absence of rebuke is legally significant: had loud Āmīn been intended as a binding communal norm, its omission by such senior Companions—across different regions—would not have gone uncorrected.

For the Hanafi school, this pattern confirms that **audible Āmīn occurred but was not stabilised as law**. Where Companion practice diverged without mutual condemnation, the matter is recognised as ijtihādī, and law must be anchored in what was **consistently taught and transmitted**, not merely what was once observed. Quiet Āmīn therefore rests not on negation of Sunnah, but on Companion-rooted restraint and juristic continuity.

Why this is not an anti-hadith position

The Hanafi approach here is not resistance to hadith but fidelity to method. It refuses to elevate every report to the same legal rank, and it insists on classification, causation, and continuity. This is precisely how jurists prevent ritual inflation — the process by which descriptive reports are transformed into rigid identity markers, and disagreement is then moralised as opposition to the Sunnah.

Why literalist readings falter

A purely literalist approach tends to commit two errors. First, it converts description into obligation and treats dissent as rejection. Second, it overlooks that the very hadith used to argue for loudness grounds its reward in coincidence with unseen angels, rendering audibility irrelevant to its meaning. When method is abandoned, volume becomes virtue and restraint is mistaken for denial.

Conclusion

The Hanafi treatment of Āmīn is not about silence versus sound. It is about law versus impulse, method versus immediacy, and normativity versus anecdote. Not every sound heard in the Prophet's mosque was meant to become a permanent ritual sound in every mosque thereafter. By preserving this distinction, the Hanafi school safeguards both the Sunnah and the coherence of Islamic law.

Issue Two: Reciting al-Fātiḥah Behind the Imām — Authority, Certainty, and the Architecture of Congregational Prayer

This issue is perhaps the most weaponised "gotcha" deployed against the Hanafi school, and yet, when explained properly, it becomes one of the clearest demonstrations of Hanafi uṣūl in action. The disagreement is not about reverence for al-Fātiḥah, nor about the status of hadith, but about how revelation, authority, and legal roles function within congregational worship.

The Hanafi ruling, stated accurately

The Hanafi position is internally consistent and role-based:

- The imām recites al-Fātiḥah.
- The person praying alone recites al-Fātiḥah.
- The follower (maʾmūm) does not recite al-Fātiḥah behind the imām, whether the prayer is audible (jahrī) or silent (sirrī).

The guiding principle is that congregational prayer is not a cluster of independent acts performed side-by-side. It is a single, structured act led by the imām and followed with discipline by the congregation. The imām's recitation suffices for those following him.

The Qur'anic foundation: listening and silence

Allah says:

وَإِذَا قُرِئَ ٱلْقُرْءَانُ فَٱسْتَمِعُوا۟ لَهُۥ وَأَنصِتُوا۟ لَعَلَّكُمْ تُرْحَمُونَ

“When the Qur’an is recited, listen to it attentively and remain silent, so that you may receive mercy.” (al-Aʿrāf 7:204)

Hanafis do not treat this verse as a slogan or a vague ethical suggestion. They read it through usṭūl al-fiqh. The verse contains two imperatives: *listen* and *remain silent*. In legal theory, an imperative is presumptively binding unless a decisive indicator downgrades it. No such indicator exists here.

Congregational prayer, in Hanafi reasoning, is the highest and most formal context in which Qur’anic recitation occurs under leadership. The very purpose of having an imām is to be followed. To recite independently behind him is to contradict the function of imāmah itself. Thus, this verse is not treated as mere etiquette but as a governing command that shapes the follower’s role.

The governing epistemic principle: certainty is not displaced by conjecture

The Hanafi school repeatedly returns to a Qur’anic ethic that underlies much of Islamic law: conjecture does not override certainty.

وَمَا يَتَّبِعُ أَكْثَرُهُمْ إِلَّا ظَنًّا ۚ إِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

“Most of them follow nothing but conjecture. Indeed conjecture does not avail against the truth at all.” (Yūnus 10:36)

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ إِن جَآءَكُمْ فَاسِقٌۢ بِنَبَإٍ فَتَبَيَّنُوٓا۟

“O you who believe, if a sinner comes to you with news, verify it…” (al-Ḥujurāt 49:6)

These verses do not speak about prayer directly, but they establish an epistemological hierarchy. A Qur’anic command, transmitted with certainty, is not overridden by probabilistic evidence if reconciliation is possible. In this issue, Hanafis are reconciling a clear Qur’anic imperative with authentic but solitary narrations, not collapsing one into the other.

The famous hadith: “There is no prayer for the one who does not recite al-Fātiḥah”

Hanafis accept this hadith as authentic and significant. The dispute is not over its validity but over its scope. The Hanafi method asks a juristic question: *Who is being addressed?*

The hadith can be applied fully and without strain to:

- the imām, who must recite, and
- the one praying alone, who must recite.

It need not be imposed on the follower behind the imām, because that follower is already governed by a Qur'anic command to listen and remain silent during recitation. This is not evasion; it is *jamʿ* (reconciliation): keeping all texts operative by distinguishing legal roles rather than forcing one text to cancel another.

Why the ruling includes silent (sirrī) prayers as well

A common objection assumes that the Hanafi logic applies only to audible prayers. "If the imām is silent," the argument goes, "why can't the follower recite quietly?"

Hanafis reject this because it fractures the legal meaning of congregational prayer. The reasoning proceeds step by step:

1. The follower remains in a state of followership in sirrī prayers just as in jahrī prayers.
2. The imām is still reciting Qur'an, even if that recitation is not audible.
3. Congregational prayer is defined by unity of action under leadership, not by multiple independent recitations occurring simultaneously.
4. Allowing the follower to become an independent reciter whenever the imām is quiet dissolves the structure of imāmah and reduces congregational prayer to parallel individual acts.

For this reason, the Hanafi school stabilises a single, coherent rule: the imām carries recitation; the follower carries following. The rule does not fluctuate with volume.

Qur'anic logic of proof-weight and legal caution

The Qur'an consistently teaches that matters affecting communal order are governed by higher standards of proof:

وَٱسْتَشْهِدُواْ شَهِيدَيْنِ مِن رِّجَالِكُمْ

"Bring two witnesses from among your men…" (al-Baqarah 2:282)

ثُمَّ لَمْ يَأْتُواْ بِأَرْبَعَةِ شُهَدَآءَ

"…and then do not produce four witnesses…" (al-Nūr 24:4)

Hanafis do not equate hadith transmission with court testimony. Rather, they infer a broader legal ethic: Islam itself embeds a hierarchy of certainty. Stable communal norms, especially those enacted daily by the entire ummah, are not restructured on fragile foundations when reconciliation is available.

Decisive Sunnah Evidence: The Latecomer Who Catches the Prayer in Rukūʿ

One of the clearest demonstrations that **recitation of al-Fātiḥah is not required of the follower in every circumstance** is the case of the latecomer (al-masbūq) who joins the congregational prayer while the imām is already in rukūʿ.

The Established Consensus (Ijmaʿ)

The jurists are agreed that:

> **If a person joins the congregational prayer while the imām is in rukūʿ, and he reaches the rukūʿ with the imām before the latter rises, that rakʿah is counted for him — even though he did not recite al-Fātiḥah.**

This ruling is **accepted by all four Sunni madhhabs** and has **never been disputed** in classical jurisprudence.

Yet its implications are decisive.

The Sunnah Basis

The Prophet ﷺ said:

> «مَنْ أَدْرَكَ الرُّكُوعَ فَقَدْ أَدْرَكَ الرَّكْعَةَ»
> "Whoever catches the rukūʿ has caught the rakʿah."
> — Reported by Abū Dāwūd, al-Tirmidhī, and others; graded **ḥasan** and accepted by the jurists

And he ﷺ instructed:

> «إِذَا أَتَيْتُمُ الصَّلَاةَ وَنَحْنُ سُجُودٌ فَاسْجُدُوا، وَلَا تَعُدُّوهَا شَيْئًا، وَمَنْ أَدْرَكَ الرُّكُوعَ فَقَدْ أَدْرَكَ الرَّكْعَةَ»
> "If you come to prayer while we are in prostration, then prostrate, but do not count it as anything; and whoever catches the rukūʿ has caught the rakʿah."
> — *Sunan Abī Dāwūd*

These narrations establish **rukūʿ**, not recitation, as the **legal marker** for catching a rakʿah in congregational prayer.

The Methodological Consequence

If **recitation of al-Fātiḥah were an absolute condition for the validity of the follower's rakʿah**, then:

- the latecomer's rakʿah would be invalid,
- his prayer would be deficient,
- and the Prophet ﷺ would have ordered him to repeat that rakʿah.

He did not.

Instead, the Sunnah explicitly validates the rakʿah **despite the total absence of recitation**.

This is not a marginal exception.
It is **normative law**.

Why This Supports the Hanafi Position

The Hanafi school holds that:

- the **imām's recitation suffices** for the follower,
- congregational prayer is a **single structured act**, not parallel individual recitations,
- and the follower's legal duty is **following**, not independent performance.

The latecomer case demonstrates this principle in its clearest form:

> A follower's rakʿah is valid **without al-Fātiḥah**, when he is lawfully attached to the imām.

Literalist arguments often insist:

> "There is no prayer for the one who does not recite al-Fātiḥah."

Yet here is a case:

- established by the Sunnah,
- accepted by consensus,
- practiced daily across the Ummah,

in which **a rakʿah is valid without any recitation whatsoever**.

The only coherent legal resolution is the Hanafi one:

- the ḥadīth refers to those **legally responsible for recitation** (the imām and the individual),
- not to the follower governed by congregational structure.

Companion practice and the Kūfan inheritance

Hanafi fiqh is not the personal opinion of one jurist operating in isolation. It is the crystallisation of a Kūfan legal tradition strongly associated with leading Companions, most notably ʿAbdullāh ibn Masʿūd. Prayer is not only narrated; it is practiced, taught, and transmitted as living law. When textual tensions arise, the stable teaching practice of a juristic Companion carries immense interpretive weight.

This is why the Hanafi school consistently privileges disciplined congregational structure over atomised readings of individual reports.

Why literalism fails here

A literalist approach tends to commit two errors. First, it universalises a single wording without regard for legal roles. Second, it treats congregational prayer as a collection of isolated acts rather than an institution with hierarchy and order. The result is either ritual incoherence — everyone reciting at once — or polemical excess, where centuries of Muslims are accused of invalid prayer.

The Hanafi method avoids both outcomes. It preserves the Qur'an's authority, honours authentic hadith, respects Companion practice, and maintains the integrity of congregational worship as a unified act.

Conclusion

The Hanafi position on reciting al-Fātiḥah behind the imām is not about diminishing recitation; it is about preserving order, certainty, and meaning. Congregational prayer is an act of disciplined unity, not negotiated independence. By grounding its ruling in Qur'anic imperatives, epistemic hierarchy, and coherent legal roles, the Hanafi school demonstrates that fidelity to revelation sometimes lies not in doing more, but in knowing when to follow and be silent.

Issue Three: Delaying ʿAṣr Prayer (Mithlayn) — Certainty, Sunnah Range, and Hanafi Legal Stabilisation

This issue is routinely misrepresented as "delaying the prayer," when in reality it is a precise case study in how the Hanafi school selects *certainty* from within Sunnah-validated options. The dispute is not over whether ʿAṣr may be prayed earlier, but over which time should be *stabilised* as the normative practice for public worship.

The Hanafi ruling, stated exactly

The Hanafi position is as follows:

- The time of ʿAṣr *enters* when the shadow of an object equals its length (mithl), excluding the noon shadow.
- The *preferred, stabilised, and relied-upon time* is when the shadow equals twice the object (mithlayn).

This position is:

- not a denial of earlier permissibility,
- not opposition to the Sunnah,
- but a juristic selection of the clearest, most certain boundary for communal prayer.

The foundational Sunnah: the Ḥadīth of Jibrīl

The decisive Sunnah evidence is the well-known ḥadīth in which Jibrīl led the Prophet ﷺ in prayer over two days. On the second day, Jibrīl prayed ʿAṣr when the shadow of everything was twice its length.

Jami` at-Tirmidhi : Hadith 149.

This report is critical because it establishes, unequivocally, that:

- praying ʿAṣr at *mithl* is Sunnah-valid,
- praying ʿAṣr at *mithlayn* is also Sunnah-valid.

The Sunnah itself therefore defines a *range*, not a single instantaneous point. Once a range is established, the task of law is no longer to "find the earliest moment," but to determine which moment should be adopted as the stable public norm. That determination is juristic, not emotional or polemical.

Additional Sunnah Considerations Supporting the Hanafi Preference for Later ʿAṣr

In addition to the ḥadīth of Jibrīl, Imām Abū Ḥanīfah also relied upon **broader Prophetic patterns concerning prayer times, environmental conditions, and the avoidance of hardship**, which collectively support stabilising ʿAṣr at a later, clearer boundary rather than pressing toward the earliest margin.

1. The Prophetic Principle: Prayer Times Are Not Rushed to Their Earliest Edge

The Prophet ﷺ explicitly discouraged rushing prayers to their earliest technical entry when conditions undermined composure and quality of worship. The clearest example is the well-established instruction regarding **intense heat**:

> «أَبْرِدُوا بِالصَّلَاةِ، فَإِنَّ شِدَّةَ الْحَرِّ مِنْ فَيْحِ جَهَنَّمَ»
> "Delay the prayer until it cools, for intense heat is from the scorching of Hell."
> — **Ṣaḥīḥ al-Bukhārī (536), Ṣaḥīḥ Muslim (615)**

While this ḥadīth directly concerns **ẓuhr**, its **legal significance is methodological**, not isolated. It establishes that:

- prayer is **not meant to be rushed** to the earliest moment,
- environmental realities matter,
- and delaying within the valid time can be **preferable**, not blameworthy.

Abū Ḥanīfah applied this **juristic logic consistently**, especially to ʿAṣr, which occurs during peak heat in many regions.

2. Reports Indicating the Prophet ﷺ Did Not Consistently Pray ʿAṣr at Its Earliest Entry

Several authentic narrations indicate that the Prophet ﷺ sometimes prayed ʿAṣr **after the sun had declined noticeably**, not immediately at first shadow:

> "The Prophet ﷺ would pray ʿAṣr while the sun was still bright and high."
> — **Ṣaḥīḥ al-Bukhārī (547), Ṣaḥīḥ Muslim (611)**

Hanafis **do not deny** these reports. Instead, they note the **absence of precision** in them:

- "bright and high" is **descriptive**, not technical,
- it does not define **mithl** versus **mithlayn**,
- nor does it establish a binding public standard.

Thus, these narrations prove **permissibility**, not **normativity**.

The Hanafi legal principle: certainty is not removed by doubt

The Hanafi school consistently applies a foundational epistemic rule: legal certainty is not displaced by probabilistic overlap. In the case of ʿAṣr:

- At *mithl*, overlap with ẓuhr remains possible in many geographical and seasonal contexts.
- At *mithlayn*, the entry of ʿAṣr is indisputable.

Public worship, especially something as universal and recurring as daily prayer, is not structured around minimum thresholds. It is structured around clarity, consistency, and certainty. Choosing *mithlayn* does not restrict the Sunnah; it selects the point at which doubt has fully fallen away.

This approach reflects a broader Qur'anic ethic of precision and excellence, not haste or approximation. Excellence in worship includes acting upon what is unmistakably established, not merely what is barely sufficient.

Companion practice and Kūfan transmission

The Hanafi position did not emerge in a vacuum. Reports indicate that Companions and early jurists in Iraq consistently delayed ʿAṣr to the later time. This practice was neither marginal nor condemned. Had such delay been blameworthy or contrary to the Prophetic guidance, figures such as:

- ʿAbdullāh ibn Masʿūd,
- ʿAlī ibn Abī Ṭālib,
- or the leading Kūfan jurists
  would have objected or corrected it.

They did not. Instead, the practice stabilised and was transmitted as a coherent communal norm. In Hanafi methodology, such sustained Companion-rooted practice carries immense legal weight, especially in matters of public worship.

Kūfa's climate was **severe**, and its leading Companions—including **ʿAbdullāh ibn Masʿūd**—were acutely sensitive to how law functions under heat, labor, and urban congestion.

It is authentically reported that:

- Ibn Masʿūd **delayed ʿAṣr**,
- and did not treat early performance as obligatory or superior.

This practice is recorded in:

- **Muṣannaf Ibn Abī Shaybah (vol. 1, Kitāb al-Ṣalāh)**
- **Muṣannaf ʿAbd al-Razzāq**

In Hanafi usṭūl, **Companion practice in public worship**, when consistent and uncontested, carries **decisive interpretive weight**, especially when aligned with Prophetic flexibility.

Why the charge of "delay" is conceptually flawed

Literalist critiques often ask: "Why not pray at the earliest possible moment?" The question itself is methodologically misplaced. The Sunnah did not establish a single earliest moment as obligatory; it established a window. Once that window exists, law must choose where to anchor communal practice.

Choosing the later Sunnah-validated time is not delay beyond the Sunnah, but anchoring prayer at the point of undisputed entry. It is precision. It is the selection of certainty over overlap, clarity over ambiguity, and unity over individual calculation. The Hanafi school is not postponing prayer beyond its time; it is anchoring prayer at the point where its time is unquestionably present.

Classical Hanafi authority and legal continuity

This reasoning is not a modern reconstruction. It is explicit in classical Hanafi law:

- Imām Abū Ḥanīfah clearly preferred *mithlayn*.
- Abū Yūsuf and Muḥammad upheld the later time as the reliable public standard.
- al-Sarakhsī, in *al-Mabsūṭ,* explicitly grounds the preference in certainty and the avoidance of doubt.

The ruling is therefore not an eccentric opinion, but a stable legal position rooted in Sunnah range, Companion practice, and Hanafi epistemology.

The Hanafi position on ʿAṣr prayer exemplifies how Islamic law operates when revelation provides flexibility. Where the Sunnah establishes a range, the jurist's task is to stabilise worship around certainty, not to race toward the earliest possible margin. Far from "delaying prayer," the Hanafi school preserves its clarity, protects communal unity, and ensures that worship is built on what is undeniable rather than what is merely sufficient.

Why Imām Abū Ḥanīfah's Preference for Delaying ʿAṣr (Mithlayn) Is the Superior View

Although the Hanafi madhhab preserves two transmitted views regarding the time of ʿAṣr, the position of **Imam Abu Hanifa**—that the preferred and stabilised time is when the shadow of an object equals twice its length (mithlayn, excluding the noon shadow)—is methodologically superior. This superiority is not a matter of personal authority, but of legal architecture, certainty, and fidelity to the purpose of public worship.

First, Imām Abū Ḥanīfah's view is the most consistent application of the principle that *certainty is not displaced by doubt*. At mithl, overlap with ẓuhr remains possible in many geographical, seasonal, and environmental contexts. At mithlayn, the entry of ʿAṣr is indisputable. Public worship is not built on minimum thresholds; it is built on clarity. A prayer time that admits doubt at its boundary is unsuitable to be institutionalised as the norm for the entire community. By anchoring ʿAṣr at mithlayn, Imam Abū Ḥanīfah removes all ambiguity and protects prayer from inadvertent invalidity.

Second, Imam Abū Ḥanīfah's position aligns more directly with the *second-day* timing in the ḥadīth of Jibrīl, where the angel explicitly prayed ʿAṣr at mithlayn. The Sunnah itself therefore establishes not merely permissibility, but pedagogical emphasis on the later time as a defining boundary. When the Sunnah presents a range and then highlights the far boundary, the jurist tasked with stabilising law for the public is justified—indeed compelled—to adopt the clearest endpoint rather than the earliest possible margin.

Third, Imām Abū Ḥanīfah's view is superior in its treatment of *congregational law as distinct from individual latitude*. Individual permissibility does not automatically translate into communal normativity. Even if praying at mithl is valid in principle, the question of what time should govern mosques, cities, and generations is a different legal question. Imam Abū Ḥanīfah answers that question with institutional sobriety: the community is governed by the time that guarantees correctness for all, not the time that merely suffices for some.

Fourth, his position best preserves the Qur'anic conception of prayer as a time-bound obligation performed with deliberation rather than haste. The Qur'an describes prayer as "prescribed at fixed times," not as an act to be rushed to its earliest technical entry. Delaying ʿAṣr to mithlayn reflects composure, completion of ẓuhr without anxiety, and orderly transition between obligations. This preserves the *dignity of worship*, not merely its validity.

Fifth, Imam Abū Ḥanīfah's view exhibits greater resistance to legal erosion. Once the earliest permissible time is treated as the norm, further pressure inevitably follows to compress, merge, or negotiate prayer times under claims of hardship. By contrast, anchoring ʿAṣr at mithlayn creates a clear, resilient boundary that protects the structure of daily prayer against gradual dilution. This is preventive jurisprudence, not rigidity.

Finally, the fact that later Hanafi authorities transmitted an earlier view alongside Imam Abū Ḥanīfah's does not weaken his position—it highlights his juristic depth. The madhhab preserved plurality at the level of permissibility, while consistently recognising that Imam Abū Ḥanīfah's preference represents the strongest synthesis of Sunnah range, certainty, and communal governance. In Hanafi methodology, superiority is not measured by leniency or popularity, but by which opinion best secures the objectives of law when implemented at scale.

For these reasons, Imām Abū Ḥanīfah's preference for delaying ʿAṣr to mithlayn stands as the more robust, cautious, and system-preserving

position. It is not merely one view among others; it is the view most capable of carrying the weight of law across time, place, and community.

Issue Four Rafʿ al-Yadayn (Raising the Hands in Prayer): Hanafi Evidence, Companion Authority, and Juristic Stabilisation

Rafʿ al-yadayn is one of the most frequently cited ritual differences between the Hanafi school and others, and also one of the most persistently misunderstood. It is often framed as a binary dispute over "following ṣaḥīḥ ḥadīth," when in reality it is a textbook example of how Hanafi law classifies evidence, weighs Companion practice, and stabilises communal worship without negating any part of the Sunnah.

This is not a debate over authenticity. It is a debate over *normativity*.

1. Defining the Issue Precisely

Rafʿ al-yadayn refers to raising the hands:

1. at the opening takbīr (takbīrat al-iḥrām),
2. before going into rukūʿ,
3. and after rising from rukūʿ.

The Hanafi madhhab holds that raising the hands at the opening takbīr is Sunnah and normative, while raising them at other points is not adopted as the stable communal practice, despite acknowledging that it occurred. The disagreement is therefore not over whether rafʿ al-yadayn happened, but over which form of prayer was settled, taught, and institutionalised as law.

2. The Primary Evidence for Repeated Rafʿ al-Yadayn (Fully Accepted)

The strongest narrations describing repeated raising of the hands are transmitted from ʿAbdullāh ibn ʿUmar (رضي الله عنه).

In Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim, it is reported:

> "When the Messenger of Allah ﷺ stood for prayer, he raised his hands until they were level with his shoulders; he did so when beginning the prayer, when bowing, and when rising from bowing." (Ṣaḥīḥ al-Bukhārī, Kitāb al-Adhān; Ṣaḥīḥ Muslim, Kitāb al-Ṣalāh)

Hanafi scholars have never denied the authenticity of these reports. They are ṣaḥīḥ, well-known, and respected. Any claim that Hanafis reject or dismiss these narrations is factually incorrect. Acceptance of authenticity, however, does not automatically entail adoption as a binding communal norm.

3. Counter-Evidence: Prayer Without Repeated Rafʿ al-Yadayn

Alongside the Ibn ʿUmar reports, there are authentic narrations demonstrating prayer without repeated raising of the hands.

Among the clearest is the report of ʿAbdullāh ibn Masʿūd (رضي الله عنه):

> "Shall I not pray with you the prayer of the Messenger of Allah ﷺ?" He then prayed and did not raise his hands except at the first takbīr. (Sunan al-Tirmidhī, Kitāb al-Ṣalāh; Sunan Abī Dāwūd)

Al-Tirmidhī explicitly states that this ḥadīth was acted upon by many of the people of knowledge from the Companions and those after them. This point is crucial: the report is not merely narrated, but ***implemented.***

Thus, the evidentiary reality is that both forms of prayer are authentically established.

The "Restless Horse" Ḥadīth and Juristic Restriction

Further support for this classification is the well-known report in which the Prophet ﷺ addressed repeated hand movements during prayer:

> «مَا لِي أَرَاكُمْ رَافِعِي أَيْدِيكُمْ كَأَنَّهَا أَذْنَابُ خَيْلٍ شُمْسٍ؟ اسْكُنُوا فِي الصَّلَاةِ»
> "Why do I see you raising your hands as if they were the tails of

restless horses? Be tranquil in prayer."
(Ṣaḥīḥ Muslim, no. 430)

This ḥadīth is decisive in juristic orientation. The Prophet ﷺ does not object to the prayer itself, nor to the agreed-upon raising of the hands at the opening takbīr; rather, he censures repeated motion that compromises the required stillness (sukūn) of ṣalāh. Hanafi jurists understood this as evidence that while raising the hands occurred, **its repetition was not intended as a permanent, visually prominent feature of prayer**.

Importantly, the Hanafi school did not hastily claim total abrogation (naskh). Rather, it recognised **restriction and refinement** of practice. The Sunnah here moves toward **quietness, composure, and minimal motion**, especially once the form of prayer was fully taught and established

4. The Decisive Factor: Companion Practice (ʿAmal al-Ṣaḥābah)

In Hanafi usūl, Companion practice is not a secondary consideration; it is a decisive interpretive authority, especially in acts of worship that are public, repetitive, and taught institutionally.

Multiple Companions are reported in Hanafi sources to have prayed without consistently raising their hands beyond the opening takbīr, including:

- ʿAbdullāh ibn Masʿūd,
- ʿAlī ibn Abī Ṭālib,
- al-Barāʾ ibn ʿĀzib,
- and, in some Kūfan transmissions, ʿAbdullāh ibn ʿAbbās.

These were not isolated individuals. They were senior jurists, judges, and teachers of prayer. Their practice shaped the Kūfan legal tradition, which was characterised by structured instruction and communal consistency. For Hanafis, this matters because prayer is not merely reported; it is *taught and preserved through practice*.

5. Why Companion Practice Outweighs a Single Narrative Strand

Hanafi legal theory holds that a consistently transmitted practice of multiple Companions cannot be overturned by a single Companion's narration, even if that narration is sound. This principle is rooted in a Qur'anic legal ethos that values certainty, continuity, and communal verification.

The Companions were not passive transmitters of isolated moments. They were implementers of the Sunnah across changing circumstances. When their transmitted practice differs, law must account for:

- breadth of transmission,
- continuity of teaching,
- and stability of implementation.

This is not Hanafi innovation. It is classical Sunni jurisprudence applied rigorously.

6. Hanafi Reconciliation (Jamʿ wa-Tawfīq)

Rather than privileging one report and negating the other, Hanafis reconcile the evidence:

1. Repeated rafʿ al-yadayn occurred — this is established by ṣaḥīḥ narrations.
2. Non-repetition also occurred — this is equally established.
3. Therefore, both are Sunnah in origin.
4. The task of the madhhab is to determine which practice should be adopted as the stable communal form.

This approach preserves all the evidence without turning variation into contradiction.

7. Hanafi Tarjīḥ (Reasoned Preference)

The Hanafi preference for non-repetition is grounded in several juristic considerations.

First, the nature of congregational prayer. Prayer is performed daily, publicly, and collectively. The Hanafi school prioritises stillness (sukūn), dignity, and minimisation of unnecessary movement, drawing on the Qur'anic emphasis on humility and composure in worship (cf. al-Muʾminūn 23:1–2).

Second, collective Kūfan transmission. The Kūfan prayer-form was not the preference of one narrator but the settled teaching of a Companion-rooted juristic community. Collective transmission carries greater legal weight than isolated variation.

Third, chronological plausibility without dogmatism. Some Hanafi scholars suggest that repeated rafʿ al-yadayn may reflect an earlier practice that was later abandoned, as evidenced by Ibn Masʿūd's demonstrative teaching. Importantly, the school does not assert definitive abrogation (naskh), but treats chronology as a plausible reconciliation, not a theological claim.

8. Why the Ibn ʿUmar Narration Was Not Taken as Normative

This issue is frequently framed polemically: *why did the Hanafi school privilege the practice transmitted from Ibn Masʿūd over the narration of Ibn ʿUmar regarding rafʿ al-yadayn?* The answer is not preference of personalities, but **juristic classification of evidence**.

ʿAbdullāh ibn ʿUmar (رضي الله عنهما) narrates what he **observed** of the Prophet ﷺ raising his hands at certain points in prayer. These narrations are authentic and accepted. By contrast, ʿAbdullāh ibn Masʿūd (رضي الله عنه) transmitted what he **systematically taught** as the prayer of the Messenger ﷺ, explicitly addressing his students with instructional intent:

> «أَلَا أُصَلِّي بِكُمْ صَلَاةَ رَسُولِ اللَّهِ ﷺ؟»
> "Shall I not pray with you the prayer of the Messenger of Allah ﷺ?"

He then prayed and did not raise his hands except at the opening takbīr.
(Sunan Abī Dāwūd, no. 748; Jāmiʿ al-Tirmidhī, no. 257 – graded ḥasan)

Hanafi jurisprudence distinguishes carefully between **descriptive narration** (ḥikāyat al-fiʿl) and **normative instructional transmission** (taʿlīm al-sunnah). Ibn Masʿūd was not merely reporting an observation; he was **teaching the prayer as a stable, repeatable form**. When Companions differ in outward description, law is not constructed on narration alone, but on:

- juristic authority,
- breadth and continuity of Companion practice,
- and sustained communal teaching.

Ibn Masʿūd's Kūfan transmission formed a living ritual practice inherited by generations of jurists. Ibn ʿUmar's reports are therefore not rejected, but **classified** as describing a valid Sunnah form that was **not stabilised as the governing norm**.

Descriptive Sunnah vs Stabilised Ritual Law

The Hanafi position rests on a fundamental legal distinction:
not every narrated act becomes a binding ritual form.

A Companion may report: *"I saw the Prophet pbuh do X."*
Another Companion may teach: *"This is how the Prophet pbuh prayed."*

Both may be true. But law governing communal worship is derived from **what was taught consistently, transmitted broadly, and stabilised for the Ummah**. Repeated rafʿ al-yadayn, while valid, lacked that level of continuous, uncontested communal transmission.

Why This Is Not Rejection of Hadith

The Hanafi school therefore does not reject Ibn ʿUmar's narrations, nor deny the occurrence of rafʿ al-yadayn beyond the opening takbīr. It simply refuses to **convert descriptive reports into binding ritual law** without corroborating instructional continuity.

This methodological restraint protects the Sunnah from fragmentation. Instead of turning every narrated movement into a permanent ritual marker, Hanafi jurisprudence preserves prayer as a composed, unified act—defined by **sukūn, continuity, and teachability**, not accumulation of motion.

9. Classical Hanafi Authorities and Continuity

This methodology is explicit in the classical Hanafi corpus.

Imām al-Ṭaḥāwī, in *Sharḥ Maʿānī al-Āthār*, devotes extensive analysis to rafʿ al-yadayn and concludes that both practices are established, with non-repetition representing the settled Prophetic and Kufan norm.

Imām al-Kāsānī, in *Badāʾiʿ al-Ṣanāʾiʿ*, grounds the preference in the preservation of khushūʿ, arguing that repeated movement without necessity undermines composure in prayer.

Imām al-Marghīnānī, in *al-Hidāyah*, records the Hanafi position succinctly, treating non-repetition as the preferred form without declaring repetition blameworthy.

All of these authorities trace their reasoning back to Imām Abū Ḥanīfah, whose legal method consistently prioritised Companion practice, coherence, and juristic discipline.

10. A Decisive Methodological Conclusion

Had repeated rafʿ al-yadayn been obligatory or essential to the validity of prayer:

- the Companions would not have differed on it,
- Kūfan jurists would not have abandoned it,
- and Ibn Masʿūd would not have publicly demonstrated prayer without it.

The very existence of sustained, Companion-rooted disagreement proves that the issue is ijtihādī, not foundational.

Conclusion

The Hanafi position on rafʿ al-yadayn is not a rejection of evidence, nor a resistance to devotion. It is the product of a disciplined legal system that refuses to absolutise one strand of the Sunnah at the expense of another. By grounding its ruling in authentic reports, Companion practice, juristic reconciliation, and communal stability, the Hanafi school preserves the Sunnah not as a collection of isolated actions, but as a coherent, lived tradition.

Issue Five: Nikāḥ Without a Walī (With Witnesses) — Legal Agency, Qur'anic Authority, Sunnah Reconciliation, and the Central Role of Kafā'ah in Hanafi Fiqh

Few Hanafi rulings are as persistently misunderstood as the permissibility of an adult, sane woman contracting her own marriage without the walī executing the contract. Detached from its legal architecture, this position is often caricatured as individualistic, modernist, or dismissive of family authority. That portrayal is inaccurate. The Hanafi position is neither libertarian nor anti-walī. It is a carefully structured legal system that distinguishes between capacity, validity, enforceability, and harm prevention. At the heart of this system stands kafā'ah (suitability), the doctrine that explains precisely why the walī continues to matter, even when he is not the contracting agent.

The Hanafi ruling, precisely and completely stated

In the Hanafi madhhab, an adult, sane woman (bālighah ʿāqilah) possesses full legal capacity to contract her own nikāḥ. Likewise, guardianship in Hanafi law presumes a walī who is himself sane, legally competent, and acting within recognised bounds of reason and welfare; guardianship exercised without sound judgment or for obstructive purposes carries no normative authority. The marriage is valid (ṣaḥīḥ) if the essential elements are fulfilled: a proper offer and acceptance, the presence of two witnesses, and a stipulated or implied mahr. The absence of the walī does not, by itself, invalidate the contract.

However, this is not the end of the analysis. The walī retains enforceable legal rights in defined circumstances. Where kafā'ah is violated in a manner that causes real harm, where the woman's welfare is compromised, where family rights are seriously injured, or where exploitation is evident, the walī may object and seek judicial annulment (فسخ). Hanafi law therefore draws a decisive distinction between ṣiḥḥah (the validity of the contract) and luzūm (its binding enforceability). This distinction is foundational to Hanafi legal precision and cannot be ignored without misrepresenting the school.

Qur'anic foundations: female legal agency and the prohibition of obstruction

The Qur'an addresses guardians directly:

فَلَا تَعْضُلُوهُنَّ أَن يَنكِحْنَ أَزْوَٰجَهُنَّ إِذَا تَرَٰضَوْا۟ بَيْنَهُم بِٱلْمَعْرُوفِ

"Do not prevent them from marrying their husbands if they mutually agree in a fair manner." (al-Baqarah 2:232)

This verse is central to the Hanafi construction. It does not speak to men negotiating marriage on behalf of women; it rebukes guardians for obstructing women from marrying when mutual agreement exists. From this, Hanafis infer several legal principles. The woman is addressed as a legal subject, not an object of guardianship. Her consent is not symbolic; it is legally operative. And obstruction without a harm-based justification is

explicitly prohibited. A Qur'anic text that condemns guardians for interference cannot simultaneously render the woman legally incapable of contracting marriage. To do so would be to empty the verse of its operative meaning.

Sunnah establishing female legal priority

The Sunnah reinforces this agency. The Prophet ﷺ said:

الثَّيِّبُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا

"A previously married woman has more right to herself than her guardian." (Ṣaḥīḥ Muslim, Kitāb al-Nikāḥ)

Hanafis do not read this as mere etiquette or courtesy. They understand it as establishing a legal priority: the walī is not the owner of the contract, nor the source of the woman's capacity. While some schools limit this priority to consent alone, Hanafis treat it as confirmation that legal agency resides with the woman herself once capacity is complete.

The counter-narrations: 'No marriage except with a walī'

The Hanafi school does not disregard the well-known narrations stating, *"There is no marriage except with a walī,"* or *"Any woman who contracts marriage without her walī, her marriage is invalid."* These reports are acknowledged within the hadith corpus and treated with due seriousness. The point of divergence lies not in their authenticity, but in their **juristic interpretation and legal scope** when read alongside the Qur'an and the totality of the Sunnah.

From a Hanafi perspective, several methodological principles govern their treatment.

First, these narrations are **āḥād in transmission**, and therefore yield authoritative but probabilistic knowledge (ẓann), not definitive certainty (yaqīn). As a foundational rule of Sunni jurisprudence, probabilistic evidence cannot override clear Qur'anic affirmations or negate legal principles established by stronger proof. The Qur'an consistently attributes the act of

contracting marriage to women themselves, describing marriage as occurring through mutual agreement in a recognised manner. Any reading of āḥād reports that negates this Qur'anic attribution would invert the hierarchy of evidence.

Second, Hanafi jurists distinguish carefully between **the validity (ṣiḥḥah)** of a contract and **its enforceability or bindingness (luzūm)**. On this basis, the walī narrations are understood as addressing circumstances where protective oversight is legally relevant, not as establishing guardianship as an intrinsic condition for the existence of a marriage contract in all cases. This distinction allows the narrations to function as safeguards against harm without nullifying the legal capacity affirmed elsewhere in revelation.

Third, the Sunnah itself establishes **consent as a decisive element of marriage**, and this consent is attributed directly to the woman concerned. Juristic coherence requires that these reports be harmonised, not set in opposition. An interpretation that renders consent legally subordinate to external authorisation would undermine the Sunnah's own emphasis on voluntary agreement as the foundation of marital legitimacy.

Fourth, Hanafi methodology gives weight to **early communal practice and legal transmission**. Marriages contracted with mutual agreement and suitability were recognised as valid within the early Muslim community, and annulment was not treated as automatic in the absence of guardian initiation alone. This practical continuity indicates that the walī narrations were not understood as establishing an absolute condition that nullifies the contract itself.

Fifth, the Hanafi reading preserves **systemic justice and legal balance**. Interpreting these narrations as absolute conditions of validity would introduce instability into family law, enabling arbitrary obstruction of lawful unions and contradicting Qur'anic prohibitions against preventing marriage without just cause. The Sharīʿah consistently restrains the use of authority where it becomes a source of harm rather than protection.

Accordingly, the Hanafi school does not reject the walī narrations, nor does it minimise their ethical and social significance. Instead, it integrates them within a structured legal framework that preserves Qur'anic agency, affirms Sunnah-based consent, and prevents internal contradiction within the law. The walī retains an important protective role, particularly where legal interests require oversight, but guardianship is not elevated into an absolute determinant that nullifies a valid, consensual contract between legally competent parties.

This approach reflects not selective use of hadith, but **disciplined reconciliation of evidence**, faithful to juristic hierarchy and the coherent application of divine law.

Kafā'ah: why the walī still matters

Without understanding kafā'ah, the Hanafi ruling is inevitably misunderstood. With kafā'ah, the internal balance of the system becomes clear.

Kafā'ah (الكفاءة) refers to legal and social suitability between spouses such that the marriage does not predictably result in harm, humiliation, exploitation, or violation of recognised family rights. In Hanafi law, kafā'ah is not a condition of validity; a marriage lacking kafā'ah can still be ṣaḥīḥ. But it is a legally enforceable right of both the woman and her walī. This distinction between validity and enforceability is one of the most sophisticated aspects of Hanafi family law.

Qur'anic foundations of suitability and harm prevention

The Qur'an establishes that marriage must be conducted within the framework of maʿrūf:

وَعَاشِرُوهُنَّ بِٱلْمَعْرُوفِ

"Live with them in kindness and fairness." (al-Nisāʾ 4:19)

It also prohibits harm explicitly:

وَلَا تُمْسِكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا

"Do not retain them to cause harm and transgress." (al-Baqarah 2:231)

Hanafis reason that if harm is prohibited after marriage, it must be prevented at the point of contracting marriage. Kafā'ah therefore functions as preventive law, not social prejudice.

Sunnah foundations of suitability

The Prophet ﷺ said:

"A woman is married for four things: her wealth, her lineage, her beauty, and her religion. Choose the one with religion…" (Ṣaḥīḥ al-Bukhārī; Ṣaḥīḥ Muslim)

While this ḥadīth is often cited for moral exhortation, Hanafis extract from it a juristic principle: marriage decisions have foreseeable social consequences, and law must regulate those consequences where harm is likely. Ignoring suitability entirely does not produce justice; it invites exploitation.

What constitutes kafā'ah in Hanafi fiqh

Classical Hanafi jurists identified factors relevant to kafā'ah, including religion (the primary and decisive factor), financial ability to fulfil marital obligations, character and conduct, and, in historical contexts, considerations such as lineage or social standing where humiliation or harm was foreseeable. These criteria are not moral hierarchies. They are context-sensitive harm-prevention mechanisms, applied with judicial oversight.

How kafā'ah operates legally

If an adult woman contracts her own marriage and kafā'ah is present, the contract is valid and binding. If kafā'ah is violated in a manner that causes real harm, the walī may object and the judge may annul the marriage. In this framework, the walī's role is protective rather than constitutive, judicial authority ensures balance, and neither autonomy nor guardianship is absolutised.

Why literalist readings collapse

Anti-madhhab literalism insists that the walī must always execute the contract. This approach fails on multiple levels. It erases Qur'anic female agency, ignores the Hanafi distinction between validity and enforceability, reduces guardianship to ownership, and removes judicial mechanisms for harm control. The Hanafi system does the opposite. It affirms agency, enforces protection, and corrects harm through law rather than through absolutist slogans.

Conclusion

Nikāḥ without a walī in Hanafi fiqh is not a loophole, nor a concession to modern sensibilities. It is a coherent legal system rooted in the Qur'an, reconciled Sunnah, and a sophisticated doctrine of harm prevention. By distinguishing capacity from enforceability and centring kafā'ah as a legal safeguard, the Hanafi madhhab preserves both female agency and family protection. What critics often present as laxity is, in reality, one of the most structurally rigorous models of Islamic family law ever produced.

Issue Six: Seafood in Hanafi Fiqh — Fish, Prawns, Crabs, and the Discipline of Legal Definition

Few Hanafi rulings are mocked as casually as the school's position on seafood. It is often portrayed as arbitrary restriction, cultural discomfort, or needless rigidity. In reality, this issue is one of the clearest illustrations of Hanafi legal precision, epistemic restraint, and refusal to expand divine permission without principled definition. What appears to critics as "over-restriction" is, in fact, disciplined implementation of revelation.

At stake here is not seafood itself, but a foundational legal question: how divine permission is defined, delimited, and applied.

The Hanafi ruling, precisely stated

In the Hanafi madhhab:

- Permissible are aquatic creatures that are legally classified as fish (سَمَك).

- Impermissible are aquatic creatures that do not fall under the legal category of fish, such as crab, lobster, shellfish, octopus, and squid.
- Prawns and shrimp are an internal point of Hanafi disagreement due to definitional uncertainty; some jurists classify them as fish-like, while others do not.

This ruling is not grounded in taste, biology, or cultural aversion. It rests entirely on legal definition (taḥdīd al-maḥall). Once the legally operative category is defined, the ruling follows consistently. The disagreement, where it exists, is about classification, not about permissibility as a concept.

Qur'anic foundation: sea food is lawful, but lawfulness still requires definition

Allah says:

أُحِلَّ لَكُمْ صَيْدُ ٱلْبَحْرِ وَطَعَامُهُۥ مَتَـٰعًا لَّكُمْ وَلِلسَّيَّارَةِ

"Lawful to you is the game of the sea and its food, as provision for you and for travellers." (al-Māʾidah 5:96)

Hanafis accept this verse fully and without hesitation. It establishes general permissibility of sea produce. But the Qur'an grants permission; it does not provide a zoological catalogue. Law cannot function without definition. The jurist must therefore ask a necessary and unavoidable question: what exactly constitutes "ṭaʿām al-baḥr" in legally intended terms?

Asking this question is not restriction. It is implementation. Without definition, permission becomes indeterminate, and indeterminacy is the enemy of law.

Sunnah evidence: what the Prophet ﷺ explicitly named

The Prophet ﷺ said:

أُحِلَّتْ لَنَا مَيْتَتَانِ وَدَمَانِ، فَأَمَّا الْمَيْتَتَانِ فَالْحُوتُ وَالْجَرَادُ

"Two dead things have been made lawful for us: fish and locusts…" (Sunan Ibn Mājah)

This ḥadīth is foundational in Hanafi food law. It explicitly names fish as a lawful dead animal. It does not say "everything that lives in water," nor does it offer an open-ended category. Fish therefore becomes the certain, textually anchored core. From here, Hanafis apply definition-based qiyās: what shares the legal identity of fish is included; what does not is not automatically incorporated.

This is not exclusion by whim. It is inclusion by certainty.

Other Sunnah evidence: accepted, not denied

Another well-known narration states: "Its water is pure and its dead are lawful." This report is frequently cited to argue for blanket permissibility of all sea creatures. Hanafis do not deny this narration. They accept it. But they do not treat general wording as self-defining. In law, general texts are always interpreted through operative definitions; otherwise, law collapses into ambiguity.

The question is not whether sea dead are lawful in principle, but what legally qualifies as "sea dead" in the sense intended by the Lawgiver. Acceptance of a text does not eliminate the need to define its subject.

The Hanafi definitional principle: the heart of the issue

Hanafi jurists ask a precise question: when the Sunnah speaks of lawful "dead sea creatures," what is the defined legal referent? Their answer is fish — creatures that live exclusively in water and are recognised as fish in legal-linguistic usage.

Crabs, lobsters, and shellfish:

- crawl rather than swim,
- lack fish anatomy,
- and were not recognised as fish in classical Arab legal usage.

They are aquatic creatures, but they are not legally fish. This distinction is not semantic hair-splitting; it is taḥqīq al-manāṭ — determining the exact object to which a ruling applies.

Why prawns are disputed within Hanafi fiqh

The internal disagreement over prawns is not a flaw in the Hanafi system; it is evidence of its intellectual honesty. Some Hanafi jurists observed that prawns:

- live exclusively in water,
- swim in a manner similar to fish,
- and resemble fish functionally.

Others observed that they:

- lack standard fish anatomy,
- resemble crustaceans,
- and are not clearly identified as fish in linguistic usage.

As a result, ikhtilāf emerged based on classification, not on rejection of evidence. This alone refutes the claim that Hanafi law is rigid or arbitrary. It is definition-driven, not slogan-driven.

Why literalism fails here

Literalist reasoning often proceeds simplistically: "The Qur'an says sea food is lawful; therefore everything in the sea is lawful." This approach fails on several levels.

First, all law requires definition. Without definition, terms like "food," "sea," and "lawful" lose legal meaning.

Second, the Sunnah itself defines categories. The Prophet ﷺ explicitly named fish; ignoring this specificity in favour of undifferentiated generality is not textual fidelity.

Third, unprincipled expansion of divine permission is not Sunnah-loyalty. Expanding what Allah permitted beyond what is textually anchored is speculation, not piety.

The Qur'an itself warns:

وَإِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

"Indeed conjecture does not avail against the truth at all." (Yūnus 10:36)

The Hanafi school takes this warning seriously. Where certainty exists, it is upheld. Where definition is unclear, restraint is preferred over conjectural expansion.

Conclusion

The Hanafi position on seafood is not an exercise in restriction, but an exercise in legal discipline. It reflects a refusal to treat divine permission as elastic without proof, and a commitment to anchoring law in defined, knowable categories. What critics label as "over-cautious" is, in reality, methodological integrity. By insisting on definition before expansion, the Hanafi madhhab preserves the boundaries of the Lawgiver's speech — neither narrowing it without cause, nor stretching it beyond certainty.

Issue Seven; Laughing Aloud in Prayer Invalidates Wuḍūʾ:

A Hanafi Exception, the Limits of Qiyās, and Absolute Obedience to Text

This ruling is one of the most striking—and most frequently misunderstood—positions in Hanafi jurisprudence. It is especially important because here the Hanafi madhhab rules *more strictly* than all other Sunni schools, despite the ruling directly contradicting general analogy (qiyās). Precisely for this reason, it decisively refutes the claim that Hanafis prioritise qiyās over Sunnah.

This issue is not peripheral. It is a methodological litmus test.

The Hanafi ruling, precisely stated

In the Hanafi madhhab:

- Laughing aloud (ḍaḥik) during ṣalāh:
    - invalidates the prayer, and
    - invalidates wuḍūʾ.
- Smiling or silent chuckling (tabassum):
    - invalidates the prayer,
    - does *not* invalidate wuḍūʾ.
- This ruling:
    - applies *only* within ṣalāh,
    - does *not* apply outside prayer,
    - and is *not* extended by analogy to any other context.

No other Sunni school holds this ruling in this precise form.

The general rule by qiyās: why wuḍūʾ should not break

Under general Hanafi legal principles, wuḍūʾ is nullified only by:

- the exit of physical impurities,
- loss of consciousness,
- or causes explicitly established by text.

Speech, emotional response, and laughter do not normally invalidate wuḍūʾ. By pure analogy:

- laughing is no different from speaking,
- speaking does not invalidate wuḍūʾ,
- therefore laughing should not invalidate wuḍūʾ.

If Hanafi law were driven by analogy alone, this would be the end of the matter. Yet the Hanafi school *abandons* this analogy entirely. The reason is decisive.

The explicit ḥadīth that overrides analogy

It is narrated:

> "Some people laughed during the prayer, so the Messenger of Allah ﷺ ordered them to repeat their wuḍūʾ and their prayer."
> (Sunan Abī Dāwūd, Kitāb al-Ṭahārah)

This report is explicit. The Prophet ﷺ did not merely invalidate the prayer; he explicitly commanded renewal of wuḍūʾ. There is no linguistic ambiguity here. The command is direct and operative.

The Hanafi principle applied: text overrides analogy

Hanafi jurists articulate the principle unambiguously:

> النص مقدم على القياس
> "Explicit text takes precedence over analogy."

This case is a textbook application of that principle. Where text contradicts qiyās, qiyās is abandoned without hesitation.

Imām al-Sarakhsī states plainly in *al-Mabsūṭ* that this ruling opposes analogy, yet is followed because of the transmitted report. There is no attempt to rationalise the ruling away, soften it, or reinterpret it to preserve analogy. The text is obeyed as it stands.

Why Hanafis did not reinterpret the ḥadīth

Other schools respond to this narration by:

- reinterpreting it,
- weakening its legal scope,
- or limiting its effect to prayer alone.

Hanafis refuse to dilute the command for three reasons:

1. The Prophet ﷺ explicitly ordered renewal of wuḍūʾ.
2. The ruling was acted upon in early Kūfan practice.

3. No Companion is reported to have objected to the command.

Hanafi methodology prefers obedience with restriction over reinterpretation with expansion. The ruling is accepted—but only where the text applies.

Strict limitation to prevent abuse

Although Hanafis accept the ruling, they impose rigorous limits:

- Only *audible* laughter (ḍaḥik), not smiling or silent chuckling.
- Only *inside* ṣalāh.
- Only when the person is conscious and aware.
- No extension to coughing, sneezing, joking, or laughter outside prayer.

This demonstrates Hanafi discipline at its sharpest: obey the text exactly, but refuse to generalise it beyond its scope.

Taʿabbudī obedience, not rational causation

Hanafis do not claim to know *why* wuḍūʾ is nullified here. They explicitly state that the cause is taʿabbudī—pure obedience to revelation—not something derived by reason or analogy.

This point is critical. Not every ruling exists to be explained. Some exist to be obeyed. Attempting to rationalise every command is itself a methodological error.

Why this issue destroys the "Hanafis prefer qiyās" myth

Here the evidence is undeniable:

- Qiyās dictates that wuḍūʾ should remain valid.
- A ḥadīth commands renewal of wuḍūʾ.
- The Hanafi madhhab follows the ḥadīth and abandons qiyās.

This single issue collapses centuries of polemic. The Hanafi school does not privilege analogy over text. It uses analogy *until* text intervenes—and then submits completely.

Conclusion

Laughing aloud in prayer invalidating wuḍūʾ is not an embarrassment in Hanafi fiqh. It is one of its strongest methodological proofs. It shows that Hanafi jurisprudence is not driven by rationalism, convenience, or analogy worship, but by disciplined submission to revelation—textually precise, carefully limited, and methodologically honest.

Those who still claim that Hanafis "prefer qiyās over Sunnah" have not understood Hanafi law at all.

Issue Eight: Touching One's Spouse Does Not Break Wuḍūʾ

Qur'anic Language, Prophetic Practice, and the Limits of Literalism in Hanafi Fiqh

This issue is the methodological mirror image of the ruling on laughing aloud in prayer. In that earlier case, Hanafis **abandoned qiyās** because an explicit Prophetic command required renewal of wuḍūʾ. Here, Hanafis **abandon surface literalism** because Qur'anic language, Prophetic practice, and juristic coherence together show that a mechanical reading would distort the Sharīʿah.

Taken together, these two rulings expose a central truth: Hanafi fiqh is not committed to reason against text, nor to literalism against meaning. It is committed to **method**.

The Hanafi ruling, precisely and unambiguously stated

In the Hanafi madhhab, touching one's spouse does **not** invalidate wuḍūʾ—whether the touch is with desire or without desire, intentional or incidental—unless an actual physical nullifier of wuḍūʾ occurs (such as the exit of impurity). This ruling applies equally to a husband touching his wife and a wife touching her husband. Affection, contact, and physical closeness are not treated as ritual impurities in Hanafi law.

The Qur'anic phrase at the centre of the debate

The disagreement turns on a phrase that appears in two places in the **Qur'an**:

أَوْ لَـٰمَسْتُمُ ٱلنِّسَآءَ

"…or you have touched women…"
(Sūrat al-Nisāʾ 4:43; Sūrat al-Māʾidah 5:6)

Some jurists read *lamastum* as literal skin contact and conclude that touching a woman breaks wuḍūʾ. Hanafis reject this—not out of convenience, but out of linguistic, textual, and Prophetic necessity.

Hanafi linguistic analysis: how the Qur'an uses the language of "touch"

Hanafi jurists begin with Arabic as it is actually used. In classical Arabic—and throughout the Qur'an—verbs of "touch" frequently function as dignified euphemisms for sexual relations, not as descriptions of simple physical contact. The Qur'an consistently employs indirect language for intimacy, avoiding crude explicitness. Within this register, *lamasa* and related forms denote sexual intercourse, not incidental contact.

On this basis, Hanafis conclude that *lamastum al-nisāʾ* refers to a state that necessitates **ghusl**, not a minor act that would merely require **wuḍūʾ**. This is not speculative interpretation; it is responsible Arabic philology applied to Qur'anic style.

The Sunnah as the decisive clarifier

Even if linguistic analysis were set aside, the Sunnah resolves the matter decisively. ʿĀʾishah (رضي الله عنها) reports that the Prophet ﷺ would kiss some of his wives and then proceed to prayer **without** performing wuḍūʾ (Sunan Abi Dawud Hadith 179 and Hadith 180)

If physical contact itself nullified wuḍūʾ, the Prophet ﷺ would not have gone to prayer without renewing it. The Sunnah here does not merely support the Hanafi view; it **defines** the correct reading of the Qur'anic phrase. A reading that contradicts established Prophetic practice is not fidelity to text; it is misreading.

The Hanafi legal principle applied

Hanafis reason with precision: wuḍūʾ is nullified by ritual impurity, not by affection. Touching does not cause impurity to exit the body; therefore wuḍūʾ remains intact. This reasoning is not independent of text—it is confirmed by text. The Sunnah confirms the Qur'anic metaphor; the Qur'anic metaphor protects the Sunnah from contradiction; and legal coherence is preserved.

Why literalism fails here

Literalism fails for multiple reasons. It treats Qur'anic language as mechanical rather than rhetorical; ignores well-established Arabic idiom; imposes hardship without Prophetic precedent; and directly contradicts authenticated Sunnah practice. A purely literal reading would force one of two untenable conclusions: either the Prophet ﷺ acted contrary to the Qur'an, or his actions were exceptional without evidence. Hanafis refuse both. The Qur'an was revealed in living Arabic, not as a sterile legal code.

The necessary contrast with the laughter ruling

This issue must be read alongside the ruling on laughing aloud in prayer. There, qiyās dictated that wuḍūʾ should remain valid, but an explicit Prophetic command required renewal—so Hanafis abandoned analogy. Here, surface literalism suggests wuḍūʾ might break, but Qur'anic language and Sunnah practice deny that—so Hanafis abandon literalism. In both cases, the madhhab does not protect a tool (qiyās or literalism); it protects **evidence hierarchy and coherence**.

Final synthesis

Taken together, the rulings on laughing aloud in prayer and touching one's spouse demonstrate with unmistakable clarity that Hanafi fiqh is neither rationalist nor literalist. It is method-driven, text-anchored, and disciplined. It abandons qiyās when explicit text demands; abandons literalism when language and Sunnah demand; restricts exceptions rather than expanding them; and preserves the Sharīʿah as a coherent, livable system. This balance—rather than ideological rigidity—is why the madhhab of Imām Abū Ḥanīfah

endured, governed societies, and continues to withstand scrutiny centuries later.

Issue Nine: Zakāt on Trade Goods (ʿUrūḍ al-Tijārah) — Qur'anic Universals, Qiyās, and the Preservation of Economic Justice

The obligation of zakāt on trade goods is one of the clearest demonstrations of Hanafi jurisprudence extending the Sharīʿah through Qur'anic meaning rather than confining it to literal enumeration. It illustrates how Hanafi qiyās preserves the moral economy of Islam, while a purely literalist approach would reduce zakāt to a historical artefact, disconnected from real wealth and real injustice.

This is not a marginal issue. It is a defining test of whether Islamic law governs *wealth as it actually exists*, or only the forms of wealth named in a pre-modern economy.

The Hanafi ruling

In the Hanafi madhhab, zakāt is obligatory on trade goods (ʿurūḍ al-tijārah) when three conditions are met: ownership reaches the niṣāb, one lunar year passes, and the goods are held with the intention of trade. This obligation applies regardless of the form of those goods—whether livestock, agricultural produce, precious metals, manufactured items, or commercial inventory. It applies equally to merchants, wholesalers, retailers, and anyone holding goods for profit.

The ruling is simple, coherent, and comprehensive: wealth held for growth and profit is zakātable wealth.

The Qur'anic foundation: zakāt as an economic obligation

Although the Qur'an does not list "trade goods" item by item, it establishes zakāt as a universal economic duty. Allah says:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِم بِهَا

"Take from their wealth a charity by which you purify them and increase them in purity." (al-Tawbah 9:103)

The decisive term here is *amwāl* (wealth). It is unrestricted, general, and inclusive. The Hanafi question is therefore unavoidable: is commercial inventory wealth? The answer is self-evident. To exclude trade goods from zakāt would require redefining wealth in a way that contradicts both language and economic reality.

For Hanafis, the Qur'an does not speak in narrow lists when establishing universal obligations. It speaks in categories whose meaning must be carried forward.

Why pure literalism fails

If zakāt were restricted only to camels, cows, sheep, gold, silver, and specific crops, the consequences would be severe and absurd. Vast commercial empires could exist entirely zakāt-free. Paper wealth and trade capital would eclipse zakātable assets. The poor would be excluded from the largest concentrations of wealth in society. This outcome would directly contradict the Qur'anic purpose of zakāt as purification, redistribution, and economic justice.

Hanafis therefore argue that a law meant to purify wealth cannot be restricted to obsolete forms of wealth. Literal restriction here does not preserve the Sharīʿah; it hollows it out.

Hanafi qiyās: identifying the operative cause

Hanafi jurists identify the operative cause (ʿillah) of zakāt not as camels or gold as such, but as wealth capable of growth (namāʾ), held beyond personal need, and possessing economic productivity. Trade goods meet this definition precisely. They grow through exchange, represent stored value, and generate profit. By rigorous qiyās, they therefore fall under the same zakāt obligation as gold and silver.

This is not analogy by convenience or moral intuition. It is analogy anchored in Qur'anic meaning. The form of wealth changes; the function does not.

Sunnah, Companion practice, and juristic consensus in principle

While no single mutawātir ḥadīth enumerates "trade goods" explicitly, there are reports from Companions imposing zakāt on commerce, widespread acceptance of the principle among early jurists, and, critically, no Companion rejection of zakāt on trade goods as a concept. In Hanafi uṣūl, silence does not negate where Qur'anic universals affirm. Absence of enumeration is not exclusion when the category is already encompassed by meaning.

Zakāt was never meant to be a checklist; it was meant to be a system.

Why this reflects Hanafi strength, not leniency

Other schools, by restricting zakāt to enumerated categories, later faced difficulty adapting zakāt to complex and modern economies. The Hanafi school avoided this crisis by preserving zakāt as a living economic institution from the outset. This was not expansion beyond revelation; it was fidelity to the Qur'an's moral economy.

The Hanafi position ensures that zakāt remains effective across centuries, currencies, and markets. It binds capital to responsibility and profit to purification, exactly as the Sharīʿah intends.

The methodological lesson

Zakāt on trade goods demonstrates that Hanafi qiyās is protective, not speculative. Qur'anic universals govern legal extension, and the objectives of the Sharīʿah override narrow enumeration. Without this reasoning, zakāt collapses in any economy more complex than seventh-century Arabia. With it, zakāt remains what it was always meant to be: a mechanism of justice, balance, and purification in every age.

Issue Ten: Ribā Beyond Currency — Hanafi Qiyās, Qur'anic Substance, and the Exposure of Financial Deception

Few issues demonstrate Hanafi legal intelligence more powerfully than ribā. Here, the madhhab refuses to confine divine prohibition to surface forms or historical vocabulary, and instead enforces the Qur'an's moral substance against exploitation that disguises itself behind legal formality. What is at stake is whether Sharīʿah governs economic *reality* or merely contractual labels.

This issue reveals why Hanafi jurisprudence remains uniquely capable of confronting modern finance without either naïveté or capitulation.

The Qur'anic prohibition of ribā: foundational and absolute

Allah states:

وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰاْ

"Allah has permitted trade and forbidden ribā." (al-Baqarah 2:275)

The Qur'an does not define ribā as a technical clause, a contractual phrase, or a specific financial instrument. It defines ribā as a moral and economic injustice fundamentally opposed to lawful trade. Trade involves risk, exposure, and exchange. Ribā involves guaranteed gain without risk, extracted from another's vulnerability.

The absence of a narrow lexical definition is deliberate. Ribā is condemned by *what it does*, not merely by what it is called.

The central Hanafi insight: ribā is about reality, not names

Hanafis insist that ribā is identified by its economic function, not by contractual terminology. If ribā were prohibited only when explicitly named, then renaming interest would instantly legalise exploitation, and Sharīʿah would collapse into a game of semantics.

The Hanafi school therefore refuses to treat divine law as something defeated by clever drafting. A structure that functions as ribā remains ribā, even if it is

wrapped in unfamiliar language, fragmented into multiple contracts, or disguised as “profit,” “fees,” or “returns.”

Identifying the operative cause (ʿillah) of ribā

Hanafi jurists identify the operative cause of ribā as a specific economic reality: a guaranteed increase secured for one party, without exposure to risk, extracted from the counterparty, producing unjust enrichment. This definition is critical. It allows ribā to be identified wherever it appears, regardless of era or instrument.

Any financial arrangement that guarantees return without corresponding risk, that shifts loss entirely onto one side, and that monetises time itself rather than productive activity, falls squarely within this prohibition. This is not moral intuition; it is structured legal reasoning grounded in Qur’anic purpose.

Hanafi qiyās against synthetic and disguised finance

Using qiyās, Hanafis extend the prohibition of ribā to modern financial structures that reproduce the same injustice under different forms. This includes disguised interest payments, guaranteed “returns” without risk exposure, synthetic debt instruments, and time-linked price inflation that lacks genuine trade substance.

This is not innovation in law. It is enforcement of law. The Hanafi jurist asks one decisive question: does this structure replicate the unjust enrichment the Qur’an forbade? If the answer is yes, the name is irrelevant.

Why literal restriction fails catastrophically

If ribā were confined only to gold and silver barter, or to the six commodities named in certain narrations, the consequences would be disastrous. Modern banking systems would become almost entirely lawful through simple renaming. Exploitative lending would flourish behind contractual sophistication. The Qur’anic denunciation of ribā would become symbolically loud but legally impotent.

Hanafis refuse this outcome. For them, restricting ribā to obsolete forms of wealth would not preserve revelation; it would betray it.

Istiḥsān: preventing economic paralysis

At the same time, Hanafi law does not destroy commerce in the name of purity. Through istiḥsān, it permits genuine trade structures that involve real risk and exchange: profit-and-loss sharing, asset-backed transactions, partnership models, and necessity-based arrangements where no guaranteed gain is extracted.

This balance is essential. Ribā is prohibited decisively, but commerce is preserved. Economic activity continues, but exploitation does not. The Sharīʿah functions as a regulator of justice, not an obstacle to life.

The methodological lesson

This issue demonstrates the true character of Hanafi jurisprudence. Qiyās is not speculative expansion; it is protection against injustice. Qur'anic ethics govern legal extension, and Sharīʿah cannot be reduced to lexical tricks or formal compliance. By focusing on substance over form, the Hanafi madhhab exposes financial deception wherever it hides.

This is why Hanafi fiqh remains the most resilient and morally coherent framework for engaging modern finance. It does not ask whether exploitation has been renamed. It asks whether it still exists — and then forbids it.

Issue Eleven: Witr Prayer as Three Rakʿahs (Without Separate Salām)

Structural Qiyās, Sunnah Diversity, and Hanafi Stabilisation of Night Prayer

The Hanafi treatment of witr prayer is one of the clearest demonstrations of how qiyās, Sunnah plurality, and communal coherence work together within a disciplined legal system. It is often caricatured as "invented," "rigid," or "contrary to hadith." In reality, it is a textbook case of Hanafi juristic

maturity: all evidence is acknowledged, variation is respected, and one form is stabilised for consistent practice.

This issue is not about whether other forms of witr are valid. It is about **which form should function as the normative structure of worship**.

1. The Hanafi Ruling (Precisely and Completely Stated)

In the Hanafi madhhab:

- Witr prayer is **three rakʿahs**,
- performed **with one salām at the end**,
- and includes **qunūt in the third rakʿah**.

This form is:

- obligatory (wājib) according to Hanafi classification,
- continuous (not split by a separate salām),
- and structurally unified as a single act of worship.

Crucially:

- Hanafis do **not** deny that other witr forms occurred,
- nor do they invalidate those prayers,
- but they **do not institutionalise them** as the standard form.

2. The Sunnah Reality: Multiple Forms of Witr Existed

Authentic narrations establish that the Prophet ﷺ prayed witr in **more than one way**, including:

- one rakʿah,
- three rakʿahs,
- five rakʿahs,
- and seven rakʿahs.

This diversity is undisputed.

The juristic question is therefore **not**:

> "Which narration exists?"

but:

> "Which form should be stabilised as law for communal continuity?"

This is where Hanafi methodology becomes visible.

References indicating three **rakʿahs as witr with qunut.**

Ṣaḥīḥ al-Bukhārī, Kitāb al-Witr
Ibn ʿUmar (رضي الله عنه) reports that the Messenger of Allah ﷺ would pray the night prayer two by two, **then conclude with three rakʿahs as witr**.
— Ṣaḥīḥ al-Bukhārī, no. 990 (also reported with variant numbering)

Sunan Abī Dāwūd, Kitāb al-Ṣalāh (Ḥasan–Ṣaḥīḥ)
ʿĀʾishah (رضي الله عنها) describes what the Prophet ﷺ recited in witr and explicitly states **"and in the third rakʿah…"**, establishing a three-rakʿah witr structure.
— Sunan Abī Dāwūd, no. 1423

Sunan Abī Dāwūd, Kitāb al-Witr (Ṣaḥīḥ)
al-Ḥasan ibn ʿAlī (رضي الله عنهما) reports that the Prophet ﷺ **taught him the supplication of qunūt to be recited in witr**, establishing qunūt as a Sunnah component of witr.
— Sunan Abī Dāwūd, no. 1425

3. The Foundational Hanafi Insight: Not Every Sunnah Is Meant to Be Institutionalised

Hanafis distinguish between:

- **permissible Sunnah variation**, and
- **normative ritual structure**.

Not every act performed by the Prophet ﷺ was intended to remain permanently open-ended for communal worship. Some acts were:

- situational,
- flexible for private devotion,
- or intentionally varied to show permissibility.

Law, however, must **choose** a stable structure so that worship:

- is recognisable,
- coherent,
- and not perpetually disputed.

This is not restriction.
It is **legal responsibility**.

4. Structural Qiyās: Why Witr Is Analogised to Maghrib

Hanafis apply *structural* qiyās (not superficial analogy) between:

- **Maghrib**, and
- **Witr**.

Both prayers share core features:

- odd-numbered rakʿahs,
- occur at transitional times,
- conclude their respective prayer cycles (day / night),
- and are not fragmented into independent units.

Just as Maghrib is:

- three rakʿahs,
- performed as a single prayer,
- without a salām after two,

Hanafis reason that Witr:

- should preserve similar structural unity,
- rather than being split into disconnected units.

This is not analogy by convenience.
It is analogy by **architectural coherence**.

5. Why Two Rakʿahs + One Rakʿah Was Not Stabilised

Some narrations describe witr as two rakʿahs followed by a separate single rakʿah. Hanafis do not deny these narrations. They classify them as:

- permissible individual performance,
- not intended as a communal standard.

Why?

Because fragmenting witr:

- disrupts prayer unity,
- introduces inconsistency in congregational practice,
- and undermines the purpose of a closing prayer.

The Hanafi madhhab consistently avoids **ritual fragmentation** where unity is achievable.

6. Companion Practice and Kūfan Transmission

The Hanafi position is not built on abstract reasoning alone. It is rooted in the Kūfan legal tradition, associated with:

- ʿAbdullāh ibn Masʿūd,
- ʿAlī ibn Abī Ṭālib,
- and the juristic teaching circles of Iraq.

Reports indicate:

- consistent performance of witr as three connected rakʿahs,
- inclusion of qunūt in the third rakʿah,
- and absence of a separating salām.

This matters because prayer is not merely narrated — it is **taught, practiced, and preserved**. Sustained Companion-rooted practice carries decisive weight in Hanafi law.

7. Why the Hanafi Position Is Not "Anti-Hadith"

Hanafis do not deny a single authentic narration on witr forms.
They do not declare other forms invalid.
They do not claim abrogation where none is decisive.

What they do is:

- acknowledge Sunnah diversity,
- restrict institutional form,
- and preserve communal clarity.

This is exactly how a madhhab is meant to function.

8. The Hanafi Principle Applied

This issue exemplifies a core Hanafi principle:

> **Sunnah variation is preserved in permissibility;**
> **law is preserved through stabilisation.**

Without stabilisation:

- prayer becomes negotiable,
- congregations fracture,
- and worship loses shared form.

•

9. Why Literalism Fails in This Issue

A purely literalist approach says:

> "All forms occurred, therefore all should be equally practised."

This collapses law into personal preference and turns worship into a rotating menu. The Prophet ﷺ varied to **teach permissibility**, not to abolish structure.

Hanafis preserve:

- Sunnah flexibility **in private**,
- and ritual coherence **in public**.

10. Relationship to Hanafi Qiyās

This issue demonstrates that Hanafi qiyās:

- does not invent worship,
- does not cancel hadith,
- and does not rigidify Sunnah.

Rather, it:

- organises Sunnah diversity,
- protects prayer architecture,
- and ensures continuity across generations.
•

Conclusion

The Hanafi ruling on witr prayer is not an anomaly. It is a model. It shows how Islamic law transforms Prophetic diversity into lived, stable worship without denying any part of the Sunnah. By combining structural qiyās,

Companion practice, and juristic discipline, the Hanafi madhhab preserves both **flexibility and form**.

This is not rigidity.
This is how a civilisation prays together.

Issue Twelve: Touching the Private Parts Does *Not* Break Wuḍūʾ

Conflicting Ḥadīth, Hanafi Reconciliation, and the Preservation of Ritual Coherence

Like the rulings on touching one's spouse and laughing aloud in prayer, it demonstrates how Hanafi fiqh operates when *authentic texts appear to conflict*. The Hanafi school neither denies any evidence nor absolutises one report at the expense of the legal system. Instead, it reconciles texts, classifies their scope, and preserves the internal coherence of wuḍūʾ.

This ruling is not leniency. It is discipline.

The Hanafi ruling, precisely stated

In the Hanafi madhhab, touching one's private parts does **not** invalidate wuḍūʾ, whether the touch is direct or indirect, intentional or accidental, with desire or without desire, unless an actual, recognised nullifier of wuḍūʾ occurs, such as the exit of impurity or loss of consciousness. Wuḍūʾ is treated as a ritual state broken by objective causes, not by mere physical contact.

The apparent textual conflict

This issue revolves around two authentic streams of Prophetic reports.

The first is the well-known narration:
"Whoever touches his private part should perform wuḍūʾ."
Reported in Sunan Abī Dāwūd (ḥadīth no. 181), Jāmiʿ al-Tirmidhī (ḥadīth no. 82), and Sunan al-Nasāʾī.

The second is the equally authentic narration in which the Prophet ﷺ said:
"It is only a part of you."

Reported in Sunan Abī Dāwūd (ḥadīth no. 182), Jāmiʿ al-Tirmidhī, and others.

Both narrations are sound. The juristic task is therefore not to choose one and discard the other, but to determine how *both* remain legally operative.

Why literalism cannot resolve this issue

A purely literalist reading treats the first narration as an unconditional rule: touching the private part always breaks wuḍūʾ. This approach produces multiple contradictions. It collapses the conceptual basis of wuḍūʾ by equating touch with impurity. It renders the second narration legally meaningless. And it introduces instability into ritual law, where ordinary bodily contact would constantly necessitate renewal of purification without textual necessity.

Hanafis refuse to resolve textual tension by erasing one half of the Sunnah.

The Hanafi reconciliation (jamʿ wa-taṭbīq)

Hanafi jurists reconcile the narrations by recognising distinct legal functions. The narration commanding wuḍūʾ is understood as either recommending renewal of wuḍūʾ for heightened purity, addressing a context where impurity was likely present, or functioning as precautionary guidance rather than strict nullification. The narration stating "it is only a part of you" is treated as establishing the governing legal principle: bodily touch, in itself, does not invalidate wuḍūʾ.

Thus, the result is precise and balanced:
- Touch alone does not nullify wuḍūʾ
- Renewal of wuḍūʾ may be recommended in certain circumstances
- The core integrity of wuḍūʾ remains intact

All evidence is preserved without contradiction.

The Hanafi legal principle applied

Hanafis consistently anchor wuḍūʾ nullification to objective ritual causes. Wuḍūʾ is invalidated by:

- the exit of impurity,
- loss of consciousness,
- or an explicit text establishing nullification beyond analogy.

Touching the body—whether one's own or another's—does not meet this threshold. If mere touch broke wuḍūʾ, the law would become intrusive, unstable, and disconnected from ritual meaning. Hanafi fiqh therefore maintains that wuḍūʾ is a structured legal state, not a fragile condition undone by ordinary human contact.

Relationship to the spouse-touching ruling

This issue mirrors exactly the ruling that touching one's spouse does not break wuḍūʾ. In both cases:
- physical contact is not equated with impurity,
- Qur'anic language and Sunnah practice confirm restraint,
- and ritual coherence is preserved.

In both issues, literalism would impose hardship with no Prophetic precedent. Hanafi fiqh refuses that outcome.

Contrast with the laughter ruling

This ruling must also be read alongside the Hanafi position that laughing aloud in prayer *does* invalidate wuḍūʾ. There, qiyās dictated that wuḍūʾ should remain valid, but an explicit Prophetic command in Sunan Abī Dāwūd (ḥadīth no. 198) required renewal. Hanafis therefore abandoned analogy. Here, no such overriding command exists. Therefore, analogy and coherence remain operative.

The difference between the two rulings is not inconsistency. It is evidence hierarchy applied correctly.

Companion understanding and practice

There is no established report of the Companions treating routine bodily contact with one's private parts as a nullifier of wuḍūʾ in everyday life. Had this been a universal requirement, it would have been transmitted as a

widespread, unavoidable rule, given the frequency of such contact. Its absence supports the Hanafi classification of the narrations.

Conclusion

Touching the private parts not invalidating wuḍūʾ is not a concession. It is the result of disciplined juristic reconciliation. By preserving all authentic evidence, maintaining ritual coherence, and refusing to absolutise one narration at the expense of another, the Hanafi madhhab demonstrates again that it is neither literalist nor rationalist, but method-driven, text-anchored, and internally consistent.

Issue Thirteen: Combining Prayers Without Travel (Jamʿ)

Time as a Legal Structure, Necessity as an Exception, and Hanafi Resistance to Ritual Erosion

This issue is one of the most important contemporary tests of Hanafi methodology. It shows how the madhhab preserves the *architecture of worship* against gradual erosion disguised as convenience, while still recognising genuine hardship and necessity. Few rulings better expose the difference between principled jurisprudence and ad-hoc textualism.

The Hanafi position is often caricatured as "unnecessarily strict." In reality, it is one of the most internally coherent and Qur'an-faithful treatments of prayer time in Islamic law.

The Hanafi ruling, precisely stated

In the Hanafi madhhab, combining obligatory prayers (jamʿ) into a single time is **not permitted** without a legally recognised excuse that alters the legal reality of prayer time. Outside of travel, prayers are performed in their prescribed times. What *is* permitted is *apparent combining* (jamʿ ṣūrī): delaying the first prayer to the end of its time and performing the next prayer at the beginning of its time, without violating either prayer's time.

Hanafis do permit exceptions where the *legal cause* changes, such as:
• travel,
• extreme fear,
• genuine inability recognised by law,
but they do not allow routine combining for convenience, work schedules, or general hardship that does not suspend the time obligation.

The Qur'anic foundation: prayer is time-bound by law

Allah states:

إِنَّ ٱلصَّلَوٰةَ كَانَتْ عَلَى ٱلْمُؤْمِنِينَ كِتَٰبًا مَّوْقُوتًا

"Indeed, prayer has been decreed upon the believers at fixed times."
(Sūrat al-Nisāʾ 4:103)

This verse is foundational. It establishes prayer times as *legal boundaries*, not flexible suggestions. For Hanafis, time is not a scheduling preference; it is part of the *definition* of prayer itself. A prayer performed outside its time without a recognised cause is not merely deficient — it is invalid.

Any claim permitting routine combination must therefore meet a very high evidentiary bar.

The Sunnah evidence for combining prayers

Authentic narrations establish that the Prophet ﷺ combined prayers:
• during travel,
• during fear,
• and on specific occasions.

There is also the well-known narration of Ibn ʿAbbās (رضي الله عنه) stating that the Prophet ﷺ combined prayers in Madinah "without fear and without travel," reported in Ṣaḥīḥ Muslim.

Hanafis do not deny this narration. The disagreement lies entirely in *how it is interpreted*.

Hanafi interpretation of the Ibn ʿAbbās narration

Hanafis interpret this report as referring to *jamʿ ṣūrī*, not real time-violation. Ibn ʿAbbās himself explained the reason for this practice as preventing hardship, not abolishing prayer times. Under jamʿ ṣūrī:

- Ẓuhr is delayed to the end of its time,
- ʿAṣr is prayed immediately at its entry,
- Maghrib is delayed to the end of its time,
- ʿIshāʾ is prayed immediately at its entry.

Thus:

- no prayer leaves its legal time,
- no Qur'anic boundary is violated,
- and hardship is still addressed.

This interpretation preserves **all evidence** without collapsing the Qur'anic command of fixed times.

Why Hanafi qiyās prohibits routine combining

Hanafis reason that if routine combining were permitted without travel or fear:

- prayer times would lose legal force,
- daily worship would be reduced to convenience blocks,
- and the Qur'anic concept of disciplined time would disappear.

By qiyās, just as fasting cannot be shifted arbitrarily within the day, prayer cannot be merged arbitrarily across times. Time is not an accessory to worship; it is a constitutive element.

Why necessity is not defined subjectively

A key Hanafi contribution here is *objective necessity*. Hardship is recognised when it:

- makes performance genuinely impossible or dangerously harmful,
- is not merely inconvenient,
- and alters legal capacity.

Work schedules, fatigue, or social pressure do not meet this threshold. If they did, prayer time would be functionally abolished for modern life. Hanafi law therefore resists redefining necessity in ways that would dissolve obligation.

Why literalist expansion fails

Some approaches cite the Ibn ʿAbbās narration and conclude: "Prayer can be combined whenever there is hardship." This fails methodologically because:

- it treats an exceptional report as a general licence,
- it contradicts Qur'anic time-binding,
- and it nullifies the legal meaning of "appointed times."

Hanafis insist that exceptions remain exceptions. Law collapses when exceptions become norms.

Consistency with Hanafi ritual philosophy

This ruling aligns perfectly with other Hanafi positions:

- stabilising witr structure,
- restricting loud Āmīn as a communal marker,
- preserving ʿAṣr time certainty,
- limiting ribā expansion by substance,
- and protecting wuḍūʾ coherence.

In every case, the madhhab preserves *structure first*, then grants flexibility *only where evidence compels it*.

Conclusion

The Hanafi refusal to allow routine prayer combining is not rigidity. It is protection of worship from erosion. By anchoring prayer to time as a legal reality, distinguishing hardship from inconvenience, and interpreting Sunnah through Qur'anic boundaries, Hanafi fiqh preserves prayer as a disciplined, lived act — not a negotiable obligation. This is not resistance to ease. It is fidelity to meaning.

Issue Fourteen: Qunūt in Fajr vs Qunūt in Witr Only

Chronology of the Sunnah, Companion Practice, and Hanafi Control of Ritual Permanence

This issue is a natural continuation of the methodological sequence you are building. It demonstrates how the Hanafi madhhab evaluates *chronology*, *continuity*, and *purpose* in Sunnah practice, and why not every Prophetic act is treated as a permanent ritual component. Like witr structure and prayer combining, this issue exposes the difference between preserving Sunnah and fossilising it.

The Hanafi ruling, precisely stated

In the Hanafi madhhab:
- Qunūt is prescribed in **witr prayer only**,
- It is **not a permanent component of Fajr**,
- Performing qunūt in Fajr is not considered Sunnah muʾakkadah,
- Regularly institutionalising it in Fajr is not adopted as law.

This ruling does not deny that qunūt occurred in Fajr. It denies that it was meant to remain *permanent*.

The Sunnah evidence: qunūt did occur in Fajr

Authentic narrations establish that the Prophet ﷺ performed qunūt in Fajr. Most notably, it is reported that he ﷺ made qunūt in the dawn prayer for a period, supplicating against specific tribes. These reports are recorded in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim.

Hanafis do not dispute these narrations. The disagreement lies entirely in *how they are classified*.

The critical Hanafi observation: qunūt in Fajr was situational

The Hanafi school observes that:
- the qunūt in Fajr occurred during a defined historical context,

• it was linked to calamity (qunūt al-nāzilah),
• and it was discontinued once that circumstance ended.

This is decisive. A practice tied to a cause does not become permanent when the cause disappears. The Sunnah here demonstrates *situational response*, not ritual fixation.

Chronological Sunnah and the danger of flattening history

Hanafis insist that Sunnah must be read *across time*, not as a flat list of actions. The Prophet ﷺ:
• did some acts early,
• modified others later,
• discontinued some entirely.

Failing to account for chronology produces legal distortion. In this issue, Hanafi jurists argue that:
• continued qunūt in Fajr lacks evidence of permanence,
• whereas qunūt in witr was maintained consistently.

Law follows continuity, not isolated snapshots.

The Sunnah evidence for qunūt in witr

There are clear narrations establishing qunūt in witr, including reports transmitted from the Companions that the Prophet ﷺ taught specific supplications for witr qunūt. These reports are recorded in Sunan collections and were practiced consistently by the Companions after him.

Unlike Fajr qunūt, witr qunūt:
• is not tied to calamity,
• is not temporally restricted,
• and is transmitted as a stable nightly practice.

This difference is legally decisive.

Companion practice and Kūfan transmission

The Kūfan juristic tradition, associated with ʿAlī ibn Abī Ṭālib and ʿAbdullāh ibn Masʿūd, consistently maintained qunūt in witr and did not institutionalise it in Fajr. This matters because prayer is preserved through teaching and repetition, not narration alone.

Had permanent Fajr qunūt been intended:
- it would have been transmitted as a uniform practice,
- disagreement among Companions would not have persisted,
- and Kūfan jurists would not have abandoned it.

Why Hanafi qiyās supports restriction, not expansion

By qiyās, adding a permanent component to an obligatory prayer requires strong, continuous evidence. Optional or situational acts are not elevated into fixed ritual elements without decisive proof. Hanafis therefore refuse to turn a temporary supplication into a permanent liturgical feature.

This is not denial of Sunnah. It is protection of prayer architecture.

Why literalism fails in this issue

A literalist reading treats every reported act as equally permanent. This collapses Sunnah into an undifferentiated archive and eliminates the concept of legal development. It also forces inconsistency: if Fajr qunūt is permanent, then every abandoned Prophetic practice must also be revived.

Hanafis reject this flattening of history. Sunnah is lived, timed, and purposeful.

Consistency with Hanafi methodology

This ruling aligns seamlessly with:
- stabilising witr as three rakʿahs,
- restricting prayer combining,
- limiting loud Āmīn as a communal marker,
- and preserving wuḍūʾ coherence.

In each case, Hanafi law distinguishes between:
- permissibility and permanence,

• occurrence and obligation,
• individual devotion and communal law.

Conclusion

The Hanafi restriction of qunūt to witr prayer is not reduction of Sunnah. It is disciplined Sunnah interpretation. By accounting for chronology, Companion transmission, and ritual coherence, the Hanafi madhhab preserves prayer as a stable, intelligible act of worship. This is not resistance to devotion. It is fidelity to method — and method is what allows Sunnah to live across centuries without distortion.

Issue Fifteen: Tarāwīḥ as Twenty Rakʿahs

Sunnah Origin, Companion Consensus, and Hanafi Stabilisation of Communal Worship

Few ritual issues have been as aggressively polemicised as the number of rakʿahs in tarāwīḥ prayer. It is routinely framed as a conflict between "pure Sunnah" and "later innovation." In reality, the Hanafi position that tarāwīḥ is twenty rakʿahs represents one of the strongest examples of Sunnah preservation through Companion consensus, historical continuity, and juristic discipline. Far from being an innovation, twenty rakʿahs is the most *institutionally verified* form of tarāwīḥ in Islamic history.

This issue is not about denying Prophetic practice. It is about understanding how Sunnah becomes *law*.

The Hanafi ruling, precisely stated

In the Hanafi madhhab:
• Tarāwīḥ consists of **twenty rakʿahs**,
• performed in congregation during Ramaḍān,
• followed by witr,
• and this number is treated as **Sunnah muʾakkadah**.

Praying fewer rakʿahs does not invalidate prayer, but institutionalising fewer than twenty as the communal norm is not adopted.

The Prophetic foundation: origin, not limitation

Authentic narrations establish that the Prophet ﷺ prayed night prayer in Ramaḍān and encouraged it strongly. He prayed in congregation for several nights, then discontinued congregational leadership out of fear that it might become obligatory. This is reported in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim.

Critically:
- the Prophet ﷺ **did not fix a number** for tarāwīh,
- he did not prohibit increase,
- and he did not define a communal standard.

This silence is not absence of Sunnah. It is **intentional latitude**.

Why the "eight rakʿah" claim is methodologically flawed

The commonly cited narration that the Prophet ﷺ never prayed more than eleven rakʿahs refers to his **private tahajjud**, not congregational tarāwīḥ. This is established by context, timing, and wording in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim.

Hanafis insist on a basic methodological distinction:
- *tahajjud* is an individual night prayer,
- *tarāwīḥ* is a congregational Ramaḍān institution.

Conflating the two collapses categories and produces false conclusions.

Why the Relevant Reports Refer to Tahajjud, Not Tarāwīḥ

A recurring source of confusion in discussions of night prayer during Ramaḍān is the failure to distinguish between **individual night worship (tahajjud / qiyām al-layl)** and **institutionalised congregational prayer (tarāwīh)**. Several narrations frequently cited to support alternative structures of witr or night prayer are, in fact, describing **the Prophet's**

personal tahajjud, not a congregational Ramaḍān prayer. Misclassification of these reports leads to methodological error.

The clearest evidence is the well-known narration of **ʿĀʾishah (**رضي الله عنها**)**, who said:

> *"The Messenger of Allah ﷺ never prayed more than eleven rakʿahs in Ramaḍān or outside of it. He would pray four—do not ask about their beauty and length—then four, then he would pray three."*
> — **Ṣaḥīḥ al-Bukhārī**, Kitāb al-Tahajjud
> — **Ṣaḥīḥ Muslim**, Kitāb Ṣalāt al-Musāfirīn

This report is decisive in **classification**. First, it explicitly states *"in Ramaḍān and outside of it"*, demonstrating that the prayer described was **not specific to Ramaḍān**, whereas tarāwīḥ is, by definition, a Ramaḍān-specific institution. Second, the report describes **the Prophet ﷺ praying alone**, in his home, with emphasis on length, stillness, and personal devotion—hallmarks of tahajjud, not congregational tarāwīḥ. Third, the structure described (four plus four plus three) is not reported as a congregational format, nor was it transmitted as a public mosque practice.

This distinction is reinforced by the historical record. When the Prophet ﷺ prayed night prayer in the mosque during Ramaḍān, he did so **only briefly**, and then deliberately **withdrew**, explaining that he feared it might be made obligatory upon the community:

> *"I feared that it would be made obligatory upon you."*
> — **Ṣaḥīḥ al-Bukhārī**, Kitāb al-Tarāwīḥ
> — **Ṣaḥīḥ Muslim**, Kitāb Ṣalāt al-Musāfirīn

If the Prophet ﷺ had intended to establish a fixed congregational structure for Ramaḍān night prayer, he would not have discontinued it for this reason, nor would he have left its long-term organisation to later Companion ijtihād. Instead, the **institutionalisation of tarāwīḥ as a communal prayer** occurred during the caliphate of **ʿUmar ibn al-Khaṭṭāb (**رضي الله عنه**)**, based on public

interest, unity, and administrative clarity—not as a direct continuation of the Prophet's personal tahajjud structure.

For this reason, Hanafi jurists—and classical jurists more broadly—treat the ʿĀʾishah narration and similar reports as **descriptions of tahajjud**, not as legal blueprints for tarāwīḥ or its witr structure. Tahajjud remains an arena of breadth, length, and individual variation. Tarāwīḥ, by contrast, is a **communal Ramaḍān practice**, governed by different legal considerations: consistency, accessibility, and congregational unity. Conflating the two collapses categories that the Sunnah itself kept distinct.

In short, narrations describing the Prophet ﷺ praying alone, both inside and outside Ramaḍān, cannot be invoked to redefine tarāwīḥ. They belong to the law of **night devotion**, not the law of **public ritual**. Recognising this distinction is not sectarian preference; it is basic juristic literacy.

The decisive evidence: Companion consensus under ʿUmar

The turning point in this issue is the action of ʿUmar ibn al-Khaṭṭāb (رضي الله عنه). He gathered the people in Ramaḍān behind a single imām for tarāwīḥ and established **twenty rakʿahs**. This is reported in Muwaṭṭaʾ Mālik, Musannaf Ibn Abī Shaybah, and other early sources.

Even more decisive:
- the Companions present **did not object**,
- no alternative number was enforced,
- and the practice became universal across the Muslim world.

In Hanafi methodology, this constitutes **ijmāʿ ʿamalī** (practical consensus).

Why Companion consensus is legally binding

The Prophet ﷺ said:
"Hold fast to my Sunnah and the Sunnah of the Rightly Guided Caliphs after me."
(Sunan Abī Dāwūd, Sunan al-Tirmidhī)

This is not symbolic praise. It is legal instruction. When a Rightly Guided Caliph establishes a public religious practice with Companion approval, it carries normative force.

Hanafis therefore argue:
• tarāwīḥ as twenty rakʿahs is **Sunnah by Companion transmission**,
• not a later juristic preference.

Why Hanafi qiyās supports twenty rakʿahs

Hanafis also apply structural reasoning. Tarāwīḥ:
• compensates for shortened individual night prayer in Ramaḍān,
• distributes standing over multiple rakʿahs,
• and facilitates congregational endurance.

Hanafi qiyās focuses on the *objective* of tarāwīḥ rather than fixation on numbers. The purpose of Ramaḍān night prayer is extended standing (qiyām), Qur'an recitation, and sustained devotion. Whether this is achieved through fewer rakʿahs with long standing, or more rakʿahs with shorter standing, the devotional objective remains the same. In congregational worship, distributing the standing across twenty rakʿahs enables endurance, inclusivity, and continuity for the community. The Sunnah aim is qiyām itself, not numerical minimalism.

Why reducing tarāwīḥ undermines communal worship

Hanafis observe that once tarāwīḥ numbers are reduced:
• congregational consistency fractures,
• mosques lose shared practice,
• and Ramaḍān worship becomes individualised.

The Hanafi school therefore stabilises the form that:
• was practiced by the Companions,
• governed Muslim cities for centuries,
• and unified communal worship across cultures.

Why literalism fails in this issue

Literalism asks:
“Where did the Prophet ﷺ command twenty?”

This question misunderstands how Sunnah becomes law. The Prophet ﷺ established:
• encouragement,
• permissibility,
• and leadership principles.

The Companions established:
• structure,
• number,
• and institutional continuity.

To reject Companion consensus here is to reject the very mechanism by which Sunnah survived beyond the Prophet’s lifetime.

Classical Hanafi authorities

Imām Abū Ḥanīfah, Abū Yūsuf, and Muḥammad all upheld twenty rakʿahs. Imām al-Sarakhsī, al-Kāsānī, and al-Marghīnānī explicitly record twenty as Sunnah muʾakkadah. No classical Hanafi authority adopted eight as the communal standard.

Conclusion

Tarāwīḥ as twenty rakʿahs is not an innovation layered onto the Sunnah. It *is* the Sunnah as lived, preserved, and stabilised by the Companions and transmitted by the Hanafi madhhab. The issue is not about praying “more” or “less.” It is about whether Islamic worship is preserved through individual minimalism or communal continuity.

The Hanafi school chose continuity — and history confirms that choice.

Issue Sixteen: Placing the Hands Below the Navel in Ṣalāh

Hadith Evidence, Companion Transmission, and Hanafi Stabilisation of Bodily Posture

The placement of the hands in prayer is often presented polemically as a contest of authenticity: "which hadith is sounder." In Hanafi jurisprudence, however, the issue is not reduced to isolated grading of reports. It is a case study in how *multiple authentic narrations, Companion practice, and juristic transmission* are weighed to determine a stable, teachable form of worship. This issue therefore illustrates Hanafi method at its most precise.

The Hanafi ruling, precisely stated

In the Hanafi madhhab, the worshipper places the right hand over the left **below the navel** while standing in ṣalāh. This placement is treated as the *preferred and normative posture* for communal worship. Prayers performed with the hands placed elsewhere—such as on the chest or above the navel—are valid and not invalidated. The ruling concerns preference (afḍaliyyah) and stability, not validity.

The primary hadith evidence for placement below the navel

The most explicit report relied upon by Hanafi jurists is the narration of ʿAlī ibn Abī Ṭālib (رضي الله عنه):

"From the Sunnah of the prayer is to place the palm upon the palm below the navel."
Reported by Abū Dāwūd in his *Sunan* (Kitāb al-Ṣalāh).

This narration is central for two reasons. First, it explicitly mentions *below the navel* rather than a vague placement. Second, it is attributed to a Companion who was not merely an observer of prayer but a jurist, judge, and teacher of ṣalāh. In Hanafi methodology, a Companion's explicit attribution of a practice

to the Sunnah carries substantial legal weight, especially when tied to teaching rather than incidental observation.

Supporting reports and Kūfan transmission

Additional reports supporting this placement are transmitted through the Kūfan legal milieu, particularly from figures associated with ʿAlī ibn Abī Ṭālib and ʿAbdullāh ibn Masʿūd. While not all individual chains reach the highest grading when isolated, the *collective transmission* establishes a recognisable practice taught and preserved in Kūfa. Hanafi jurists do not rely on a single strand in isolation; they rely on *converging transmission* tied to a living juristic school.

Prayer posture is not preserved like rare historical detail. It is preserved through repetition, instruction, and correction. For this reason, a practice embedded in a Companion-rooted teaching tradition is treated differently from a solitary observational report.

The narrations for chest placement and how Hanafis classify them

Narrations exist describing the Prophet ﷺ placing his hands on his chest. Among them is the report attributed to Wāʾil ibn Ḥujr (رضي الله عنه), recorded in Sunan al-Nasāʾī and others, describing the placement of the hands on the chest during prayer.

Hanafis do not deny the existence or authenticity of these reports. Their classification, however, differs. These narrations are *descriptive* (wasfiyyah), reporting what a Companion saw on a particular occasion. They are not *prescriptive* commands fixing a single posture as obligatory or exclusive. No narration states, "Place your hands only on the chest," nor does any Companion condemn alternative placement.

In Hanafi usūl, a descriptive report does not automatically override a practice that is:

- explicitly attributed to the Sunnah by a juristic Companion,
- transmitted through teaching circles,
- and preserved as communal practice.

Why Companion practice is decisive in this issue

Hanafi law accords special weight to Companion practice when three elements converge: juristic authority, demonstrative teaching, and continuity. ʿAlī ibn Abī Ṭālib (رضي الله عنه) fulfils all three. He was a senior jurist, he actively taught prayer, and his practice formed the backbone of the Kūfan school.

When Companions differed on posture yet did not accuse one another of error, the jurist's task is not to erase that diversity but to stabilise one form for public worship. Hanafi fiqh preserves permissibility while institutionalising continuity.

Structural reasoning and bodily discipline

Hanafi jurists also consider the *discipline of posture* within prayer. Standing (qiyām) is defined by stillness, humility, and restraint of unnecessary movement. Placing the hands below the navel:

- maintains bodily compactness,
- avoids conspicuous elevation of the arms,
- and produces visual uniformity in congregational rows.

This is not aesthetic preference. It is juristic consideration of how prayer functions when practiced collectively, daily, and publicly. Law governs lived worship, not isolated performance.

Why literalism fails here

A literalist approach typically absolutises one narration and declares all other placements incorrect or deficient. This approach fails on multiple grounds. The Prophet ﷺ issued no exclusive command fixing hand placement. The Companions themselves differed. No placement was declared invalid. To elevate one descriptive report into an exclusionary rule is to manufacture rigidity where the Sunnah allowed breadth.

Hanafis refuse to weaponise Sunnah diversity against the unity of worship.

The Hanafi principle applied

This issue exemplifies a recurring Hanafi rule: when multiple authentic practices exist, the law preserves permissibility but stabilises one form for communal continuity. This is the same methodology seen in witr structure, rafʿ al-yadayn, tarāwīḥ rakʿahs, and recitation behind the imām.

For **Imam Abu Hanifa**, law was not a catalogue of competing narrations but an ordered system meant to govern real communities. The aim was not to multiply visible differences in prayer, but to preserve humility, order, and recognisable worship without negating any part of the Sunnah.

Conclusion

Placing the hands below the navel in prayer is not a rejection of Prophetic practice. It is a juristic decision rooted in explicit Companion attribution, Kūfan teaching transmission, and the Hanafi commitment to stabilising worship while preserving Sunnah diversity. The question is not where the Prophet ﷺ placed his hands on a given occasion, but how prayer was taught, transmitted, and lived across generations. Here, as elsewhere, Hanafi fiqh demonstrates that fidelity to the Sunnah lies not in isolating reports, but in preserving method.

Final Synthesis: What These Issues Actually Prove

The issues examined in this part are neither marginal disagreements nor technical curiosities. They are recurring pressure points where Islamic law is forced to choose between method and impulse, structure and literalism, coherence and polemic. The Hanafi madhhab's responses to these challenges reveal not inconsistency, but a remarkably unified and internally disciplined legal philosophy.

Across prayer, ritual purity, marriage, food law, and the regulation of time, a single pattern emerges with unmistakable clarity: Hanafi jurisprudence does not privilege any single tool in isolation. It neither absolutises qiyās nor absolutises isolated reports. It does not freeze language at its most superficial literal register, nor does it dissolve texts into abstraction. Instead, it orders evidences hierarchically and applies them within a living, integrated legal system.

Where explicit textual instruction exists—even when it contradicts analogy—the Hanafi madhhab abandons qiyās without hesitation, as seen in the ruling that loud laughter in prayer invalidates wuḍūʾ. Where language itself is being misread mechanically, the madhhab abandons literalism in favour of Qur'anic usage and Prophetic practice, as seen in the ruling that touching one's spouse does not break wuḍūʾ. Where multiple authentic narrations coexist, the school does not arbitrarily select between them; it stabilises practice through Companion transmission and communal continuity, as seen in issues such as rafʿ al-yadayn and recitation behind the imām. Where the Sunnah establishes a range rather than a single fixed point, the madhhab selects certainty over minimal compliance, as seen in the timing of ʿAṣr. Where the Qur'an grants broad permission, the school nevertheless insists on definitional clarity, as seen in food law. Where personal agency is affirmed, the school simultaneously erects enforceable safeguards, as seen in marriage law through the doctrine of kafāʾah.

These choices are not ideological. They are methodological.

It is for this reason that the claim that the Hanafi madhhab "goes against ḥadīth" collapses upon serious examination. The madhhab does not oppose ḥadīth; it refuses to weaponise ḥadīth against the Qur'an, against established Prophetic practice, or against the internal coherence of law. Revelation is not treated as a collection of detached soundbites, but as a unified legal system intended to govern real communities across generations.

What emerges from these discussions is not merely a catalogue of rulings, but a juristic temperament—disciplined, cautious, and acutely aware that law must be lived, transmitted, and preserved without contradiction. The enduring relevance of Imām Abū Ḥanīfah lies precisely here: not in any single conclusion, but in the architecture of reasoning that produced them.

This is not rationalism.
This is not literalism.
This is not convenience.

This is method.

PART EIGHT

FINAL CONCLUSION: LAW, METHOD, AND THE TRUST OF CONTINUITY

The Hanafi Madhhab in One Sentence

The Hanafi madhhab is not the madhhab of:

- opinion over text,
- reason over revelation,
- or ease over discipline.

It is the madhhab of:

- order over chaos,
- certainty over speculation,
- community over fragmentation,
- and law as a lived, coherent system rather than an abstract exercise.

This is why it endured for more than a millennium—
and why it remains indispensable today.

The Hanafi Method: Law Anchored in Revelation, Reason, and Reality

Islamic law was never revealed as a collection of isolated quotations to be applied mechanically across time. It was revealed as guidance—meant to be understood, lived, reasoned with, and implemented coherently across changing circumstances. The Hanafi school stands out among the classical schools precisely because it articulated—earlier and more systematically than any other—a complete epistemological architecture for doing so.

At its core, the Hanafi method is not defined by excessive rationalism, nor by textual literalism, but by disciplined balance.

1. Why Law Requires Method, Not Slogans

Modern discourse often reduces jurisprudence to slogans:

- "Follow the Qur'an and Sunnah only"
- "If the hadith is ṣaḥīḥ, that is the ruling"
- "Madhhabs divide the Ummah"

These statements sound pious, but they conceal a fatal flaw: they replace methodology with sentiment.

Every Muslim—whether consciously or not—follows a method. The real question is not *whether* one follows a methodology, but *whether that methodology is coherent, disciplined, and accountable*. Law cannot function without answers to fundamental questions:

- How is evidence weighed?
- Which texts override others?
- When does certainty matter more than probability?
- How are general principles applied to new realities?

The Hanafi school did not invent these questions. It distinguished itself by answering them explicitly, systematically, and in a manner that could be transmitted across generations without collapse.

2. The Hanafi Legal Architecture

The Hanafi system rests upon an integrated hierarchy of evidence:

1. The Qur'an as the supreme, definitive source
2. Mutawātir Sunnah as certain and binding elaboration
3. Āḥād Sunnah as authoritative yet probabilistic guidance
4. Qiyās to preserve coherence across cases and eras
5. Istihsān to prevent rigidity from hardening into injustice

This architecture ensures that:

- certainty is never overturned by speculation,
- justice is never sacrificed for formalism,
- mercy is never dismissed as weakness,
- and law never fragments into contradiction.

This is not theoretical elegance—it is legal survivability.

3. Balance at the Heart of the Hanafi Method

Between Text and Reason

The Hanafi school never treated reason as a rival to revelation, nor revelation as hostile to reason. Reason is the instrument by which revelation is applied, not its competitor. This reflects the Qur'anic insistence on reflection, understanding, and discernment.

Between Certainty and Probability

Not all evidence carries equal epistemic weight. Hanafi jurisprudence refuses to flatten distinctions:

- Creed rests on certainty
- Public norms require strong proof
- Practice may operate on probability

This mirrors both Qur'anic standards of testimony and the lived practice of the Companions.

Between Stability and Flexibility

Hanafi law is stable in principle yet flexible in application. Stability flows from Qur'anic universals; flexibility arises from disciplined reasoning. This is why Hanafi law governed vast and diverse societies without constant legal rupture.

Hanafi Jurisprudence in the Modern Age: Why It Endures

The true test of a legal system is not how eloquently it speaks about the past, but how responsibly it governs the present.

1. The Failure of Extremes

Modern Islamic thought often oscillates between two failures:

Literalism
- treats texts as self-applying
- ignores evidentiary hierarchy
- collapses under new realities
- produces contradiction and rigidity

Unrestrained Modernism
- detaches law from revelation
- reshapes Islam to fit trends
- sacrifices continuity for relevance

Both ultimately fail. The Hanafi school avoids both by refusing to abandon method.

2. Why the Hanafi Method Scales with Complexity

Because it distinguishes:

- certainty from probability,
- principles from applications,
- law from enforcement,
- mercy from laxity.

This makes it uniquely capable of engaging:

- biomedical ethics,
- modern finance,
- artificial intelligence,
- global governance,
- minority fiqh contexts.

It is not reactive—it is structurally prepared.

3. Continuity Without Fossilisation

The Hanafi madhhab preserves principles, not historical accidents. This is why it could move seamlessly:

- from Kūfa to Baghdad,
- from Central Asia to the Indian subcontinent,
- from imperial courts to modern legal councils.

Its endurance is not accidental—it is methodological.

4. The Moral Core of Hanafi Law

At its heart, Hanafi jurisprudence is animated by:

- justice (ʿadl),
- mercy (raḥmah),
- wisdom (ḥikmah),
- human dignity (karāmah).

These are not secondary values. They are Qur'anic imperatives that law exists to protect.

Final Word: Law, Mercy, and the Trust of Continuity

Islamic law is not merely a system of rules. It is a trust:
to preserve divine guidance without distortion,
and to apply it without cruelty.

The Hanafi school fulfilled this trust by refusing shortcuts:

- no blind literalism,
- no reckless opinion,
- no collapse of certainty,
- no abandonment of mercy.

This book has shown that the Hanafi method is not a relic of history, but a living framework—capable of guiding Muslims with intellectual integrity and moral seriousness in every age.

To preserve this method is not sectarian loyalty.
It is not nostalgia.
It is not defensiveness.

It is **intellectual honesty**—
and fidelity to the way revelation was meant to be understood.

GLOSSARY OF TECHNICAL TERMS

This glossary explains key Arabic and legal terms used throughout the book. Definitions reflect their **classical juristic meanings**, particularly as understood within **Hanafi legal theory**, unless otherwise stated.

A

Āḥād (Āḥād Ḥadīth)
A report transmitted by one or a limited number of narrators at each level of transmission, such that it does not reach the level of mass transmission (tawātur). Āḥād reports are authoritative in law but yield probabilistic (ẓannī) knowledge rather than certainty.

ʿĀmm (General Text)
A Qur'anic or prophetic text whose wording encompasses all members of a category without restriction, unless limited by another proof.

ʿAdl (Justice)
A foundational Qur'anic principle referring to fairness, equity, and balance. In Hanafi jurisprudence, justice is a governing objective of law, not merely a moral abstraction.

B

Bil-Maʿrūf
Conducted according to recognised standards of fairness, custom, and moral decency. Frequently used in the Qur'an regarding marriage, divorce, and social relations.

D

Ḍarar (Harm)
Any form of unjust harm—physical, financial, emotional, or social—prohibited by Islamic law. Prevention of harm is a core legal objective in Hanafi jurisprudence.

Dalīl (Proof / Evidence)
Any recognised source used to derive legal rulings, including the Qur'an, Sunnah, consensus, analogy, and subsidiary principles.

F

Fard̤ (Obligatory)
An act decisively required by definitive evidence. Denial of a fard̤ ruling constitutes serious theological error.

Fiqh
Islamic jurisprudence; the human understanding and application of divine law based on structured interpretation of revelation.

G

Ghusl
The full ritual bath required after major ritual impurity, such as sexual relations or seminal discharge.

H

Ḥadīth
A report describing the statements, actions, or tacit approvals of the Prophet ﷺ.

Ḥikmah (Wisdom)
The underlying purpose or rationale of a ruling. In Hanafi methodology, ḥikmah informs application but does not replace textual evidence.

I

Ijtiḥād
Independent juristic reasoning exercised by a qualified mujtahid to derive rulings where explicit texts do not exist.

Imām
A leader; in jurisprudence, a founding jurist whose legal methodology became authoritative.

Istihsān
Juristic preference: the principled departure from strict analogy to prevent hardship, injustice, or contradiction with stronger evidence. In Hanafi law, istihsān is evidence-based, not subjective.

J

Jamʿ wa-Tawfīq
Reconciliation of apparently conflicting texts so that all valid evidence remains operative.

K

Kafā’ah (Suitability)
Legal and social suitability between spouses to prevent harm or humiliation. In Hanafi law, kafā’ah affects enforceability (luzūm), not the basic validity (ṣiḥḥah) of marriage.

Khushūʿ
Humility, attentiveness, and solemn presence in worship.

L

Lamastum
Qur'anic term literally meaning "you touched," interpreted by Hanafis as a euphemism for sexual relations, not mere physical contact.

Luzūm (Bindingness)
Whether a legally valid contract becomes enforceable without judicial intervention.

M

Madhhab
A structured legal school with a consistent methodology for interpreting Islamic law.

Mahr
The mandatory marriage gift owed to the wife, constituting her exclusive legal right.

Maʿrūf
That which is recognised as fair and acceptable by sound custom and reason.

Mujtahid
A jurist qualified to perform independent legal reasoning.

Mutawātir
Mass-transmitted evidence yielding certainty due to the impossibility of collusion upon falsehood.

N

Naṣṣ (Explicit Text)
A clear and direct textual statement whose meaning is not open to reinterpretation.

Naskh (Abrogation)
The replacement of an earlier ruling by a later one, established through definitive proof and chronology.

Q

Qatʿī (Definitive)
Evidence that yields certainty in both transmission and meaning.

Qiyās (Analogy)
Reasoned extension of an established ruling to a new case due to a shared effective cause (ʿillah).

R

Rafʿ al-Yadayn
Raising the hands during prayer at specific moments. A matter of juristic difference among the schools.

S

Ṣaḥābah (Companions)
Those who met the Prophet ﷺ, believed in him, and died upon Islam. Their legal practice carries decisive weight in Hanafi jurisprudence.

Sharīʿah
Divine law as revealed by Allah; fiqh is its human understanding.

Ṣiḥḥah (Validity)
Whether a legal act meets the minimum requirements to be recognised as legally sound.

T

Tarjīḥ (Preference)
Giving precedence to one proof over another based on recognised legal criteria.

Taqlīd
Following a qualified juristic methodology without independent derivation.

W

Walī (Guardian)
A legal protector in marriage. In Hanafi law, the walī's role is protective rather than constitutive for an adult, competent woman.

Wuḍūʾ
Minor ritual ablution required for prayer and other acts of worship.

Z

Ẓannī (Probabilistic)
Evidence that yields strong likelihood but not certainty. Such evidence is authoritative in law but carefully contextualised.

Closing Note on the Glossary

This glossary reflects **methodological definitions**, not polemical ones. Many terms are misused in modern discourse due to loss of juristic literacy. Restoring their precise meanings is essential to understanding not only the Hanafi madhhab, but Islamic law as a disciplined, principled system.

ENDNOTES

Qur'anic Verses Cited and Relied Upon in This Book

This section lists Qur'anic verses cited explicitly or relied upon substantively throughout the book. Verses are grouped by **thematic function** rather than chapter order to reflect how the Qur'an operates as a **systemic source of law, ethics, and epistemology**.

I. Epistemology, Certainty, and Evidence

Qur'an 2:282

وَٱسْتَشْهِدُواْ شَهِيدَيْنِ مِن رِّجَالِكُمْ

"Bring two witnesses from among your men…"

Used to demonstrate Qur'anic insistence on **graded standards of proof** and the principle that certainty is not established through solitary testimony in serious matters.

Qur'an 49:6

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِن جَآءَكُمْ فَاسِقٌۢ بِنَبَإٖ فَتَبَيَّنُوٓاْ

"O you who believe, if a sinful person brings you news, verify it…"

Cited in discussions on **verification, epistemic caution, and rejection of blind acceptance**.

Qur'an 10:36

وَمَا يَتَّبِعُ أَكْثَرُهُمْ إِلَّا ظَنًّاۚ إِنَّ ٱلظَّنَّ لَا يُغْنِى مِنَ ٱلْحَقِّ شَيْـًٔا

"Most of them follow nothing but conjecture. Indeed, conjecture does not avail against the truth."

A central verse underpinning the Hanafi distinction between **certainty (qaṭʿī)** and **probability (ẓannī)**.

II. Law, Justice, and Removal of Hardship

Qur'an 2:185
يُرِيدُ ٱللَّهُ بِكُمُ ٱلْيُسْرَ وَلَا يُرِيدُ بِكُمُ ٱلْعُسْرَ
"Allah intends ease for you and does not intend hardship for you."
Foundational for **istihsān**, facilitation, and rejection of mechanical rigidity.

Qur'an 22:78
وَمَا جَعَلَ عَلَيْكُمْ فِى ٱلدِّينِ مِنْ حَرَجٍ
"He has not placed upon you any hardship in the religion."
Used repeatedly to establish that **law must remain livable**.

Qur'an 5:6
مَا يُرِيدُ ٱللَّهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ
"Allah does not intend to place hardship upon you…"
Cited in ritual law and purification to demonstrate **intentional ease**.

Qur'an 16:90
إِنَّ ٱللَّهَ يَأْمُرُ بِٱلْعَدْلِ وَٱلْإِحْسَـٰنِ
"Indeed, Allah commands justice and excellence…"
Anchors the Hanafi insistence that **justice is a legal obligation**, not a moral suggestion.

III. Testimony, Public Law, and Moral Safeguards

Qur'an 24:4
فَٱجْلِدُوهُمْ ثَمَـٰنِينَ جَلْدَةً
"…lash them eighty lashes…"
Referenced to show that **serious consequences require the highest evidentiary standards**.

Qur'an 2:279
لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ
"Do not wrong, and you shall not be wronged."
Used as a governing maxim against **oppression through law**.

IV. Prayer, Worship, and Congregational Discipline

Qur’an 7:204
وَإِذَا قُرِئَ ٱلْقُرْءَانُ فَٱسْتَمِعُوا۟ لَهُۥ وَأَنصِتُوا۟
“When the Qur’an is recited, listen attentively and remain silent…”
Central to the Hanafi ruling on **non-recitation behind the imam**.

V. Marriage, Family Law, and Social Protection

Qur’an 2:232
فَلَا تَعْضُلُوهُنَّ أَن يَنكِحْنَ أَزْوَٰجَهُنَّ
“Do not prevent them from marrying their husbands…”
Key evidence for **female legal agency in marriage**.

Qur’an 4:19
وَعَاشِرُوهُنَّ بِٱلْمَعْرُوفِ
“Live with them in kindness and fairness.”
Forms the ethical foundation of **kafā’ah and marital justice**.

Qur’an 2:231
وَلَا تُمْسِكُوهُنَّ ضِرَارًا
“Do not retain them to cause harm…”
Used to justify **preventive legal safeguards**.

VI. Purification and Linguistic Interpretation

Qur’an 4:43
أَوْ لَٰمَسْتُمُ ٱلنِّسَآءَ
“…or you have touched women…”
Central to the debate on whether touching one’s spouse breaks wuḍūʾ.

Qur’an 5:6
(Repeated here for purification context)
Used to show **consistency of Qur’anic terminology and metaphor**.

VII. Food Law and Permissibility

Qur'an 5:96

أُحِلَّ لَكُمْ صَيْدُ ٱلْبَحْرِ وَطَعَامُهُۥ

"Lawful to you is the game of the sea and its food…"

Anchors the Hanafi discussion on **definition-based permissibility**.

VIII. Abrogation and Legal Development

Qur'an 2:106

مَا نَنسَخْ مِنْ ءَايَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِّنْهَا

"We do not abrogate a verse or cause it to be forgotten except that We bring one better or similar."

Cited in discussions on **naskh, chronology, and juristic restraint**.